

# 2019 Senate Journals

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## First Extra Session

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## Veto Session

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**JOURNAL OF THE SENATE**  
**ONE HUNDREDTH GENERAL ASSEMBLY**  
**OF THE**  
**STATE OF MISSOURI**  
**FIRST REGULAR SESSION**

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**FIRST DAY—WEDNESDAY, JANUARY 9, 2019**

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The Senate was called to order at 12:00 noon by Lieutenant Governor Mike Kehoe.

The Reverend Carl Gauck offered the following prayer:

“Lord, take me where you want me to go, let me meet who you want me to meet, tell me what you want me to say, and keep me out of your way.” (Prayer of Father Mychal Judge)

Almighty God, as we begin a new session with new colleagues, who join us in this privilege of participation as senators, help us all be responsible and “walk with integrity” as we seek to provide legislation that is most helpful and needed to the people of Missouri. Help us to be good stewards of our time and our efforts with the resources of our people. We pray that Your Spirit guide us as we craft legislation that is important to us and to the people we serve. And may our lives be filled with purpose that makes our work here bring us joy and a zest for each new day which finds us eager to be doing what we have been elected to do. And may we begin and end each day in reading Your word and praying, giving You thanks for this amazing opportunity. In Your Holy Name we pray. Amen.

Boone County Fire Protection District presented the Colors.

The Pledge of Allegiance to the Flag was recited.

The “Star-Spangled Banner” was performed by Helias Catholic High School Choir.

The President of the Senate stated that the Rules of the Senate would be the Missouri Senate Rules of the 2nd Regular Session of the Ninety-ninth General Assembly until temporary or permanent rules are adopted.

Senator Rowden announced that photographers from KOMU-TV, Jefferson City News Tribune, St. Louis Public Radio, Gasconade County Republican, Linn Unterrieff Democrat, Maries County Advocate, KRCG-TV, ABC 17 News, Columbia Daily Tribune, St. Louis Post-Dispatch, MissouriNet, the Senate and family members had been given permission to take flash pictures and to video in the Senate Chamber and gallery.

Senator Rowden submitted the following appointments of officers for the temporary organization, which were read:

President Pro Tem .....	Dave Schatz
Secretary of Senate .....	Adriane D. Crouse
Sergeant-at-Arms .....	Bill Smith

Senator Rowden requested unanimous consent of the Senate that the above named officers stand as temporary officers until permanent officers are elected, which request was granted.

### **MESSAGES FROM THE SECRETARY OF STATE**

The President laid before the Senate the following communication from the Secretary of State, which was read:

**To the Honorable Senate of the 100th General Assembly, First Regular Session, of the State of Missouri:**

**In compliance with Section 115.525, Revised Statutes of Missouri, I have the honor to lay before you herewith a list of the names of the members of the Senate for the 100th General Assembly (First Regular Session) of the State of Missouri, elected at the November 8, 2016 General Election, the June 5, 2018 Special Election and the November 6, 2018 General Election.**

**IN TESTIMONY WHEREOF, I hereunto set my hand and affix the official seal of my office this 7<sup>th</sup> day of January, 2019.**

(Seal)

/s/ Jay Ashcroft  
John R. Ashcroft  
SECRETARY OF STATE

#### **MISSOURI STATE SENATORS**

**Elected November 6, 2018**

District	Name
2nd	Bob Onder
4th	Karla May
6th	Mike Bernskoetter
8th	Mike Cierpiot
10th	Jeanie Riddle
12th	Dan Hegeman
14th	Brian Williams
16th	Justin Dan Brown
18th	Cindy O'Laughlin
20th	Eric W. Burlison
22nd	Paul Wieland
24th	Jill Schupp
26th	Dave Schatz
28th	Sandy Crawford
30th	Lincoln Hough
32nd	Bill White
34th	Tony Luetkemeyer

**MISSOURI STATE SENATORS****Elected November 8, 2016**

<b>District</b>	<b>Name</b>
<b>1st</b>	<b>Scott Sifton</b>
<b>3rd</b>	<b>Gary Romine</b>
<b>5th</b>	<b>Jamilah Nasheed</b>
<b>7th</b>	<b>Jason Holsman</b>
<b>9th</b>	<b>S. Kiki Curls</b>
<b>11th</b>	<b>John Rizzo</b>
<b>13th</b>	<b>Gina Walsh</b>
<b>15th</b>	<b>Andrew Koenig</b>
<b>*17th</b>	<b>Lauren Arthur</b>
<b>19th</b>	<b>Caleb Rowden</b>
<b>21st</b>	<b>Denny Hoskins</b>
<b>23rd</b>	<b>Bill Eigel</b>
<b>25th</b>	<b>Doug Libla</b>
<b>27th</b>	<b>Wayne Wallingford</b>
<b>29th</b>	<b>David Sater</b>
<b>31st</b>	<b>Ed Emery</b>
<b>33rd</b>	<b>Mike Cunningham</b>

\*Special Election held on June 5, 2018 due to the resignation of Senator Ryan Silvey.

The newly elected Senators advanced to the bar and subscribed to the oath of office, which was administered by Judge George W. Draper III of the Missouri Supreme Court.

On roll call the following Senators were present:

## Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

The President declared the First Regular Session of the 100th General Assembly convened.

### **RESOLUTIONS**

Senator Rowden offered the following resolution, which was read and adopted:

#### SENATE RESOLUTION NO. 1

BE IT RESOLVED, by the Senate of the One-hundredth General Assembly of the State of Missouri, First Regular Session, that the rules adopted by the Ninety-ninth General Assembly, Second Regular Session, as amended, insofar as they are applicable, be adopted as the temporary rules for the control of the deliberations of the Senate of the One-hundredth General Assembly, First Regular Session, until permanent rules are adopted.

Senator Rowden moved that the Senate proceed to perfect its organization, which motion prevailed.

Senator Rowden nominated Senator Dave Schatz for President Pro Tem. Senator Schatz's nomination was seconded by Senator Walsh.

No further nominations being made, Senator Schatz was elected President Pro Tem by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

#### NAYS—Senators—None

#### Absent—Senators—None

#### Absent with leave—Senators—None

#### Vacancies—None

Senator Schatz was escorted to the dais by Senator Walsh and subscribed to the oath of office of President Pro Tem administered by the Honorable Lawrence O. Davis.

President Pro Tem Schatz assumed the dais and delivered the following address:

#### Opening Address

Senator Dave Schatz, President Pro Tem

First Regular Session, 100<sup>th</sup> General Assembly

January 9, 2019

Friends, colleagues, and guests: good afternoon. I am humbled to be speaking from this dais today, the first day of the 100th General Assembly, as our Senate Pro Tem. Before we begin, let us recognize the honored guests who have joined us.

We come from different backgrounds, we have varied policy preferences, and we often have competing priorities. But we are all here, together, because we felt called to serve our communities. And we are able to serve because of the support of our families. At this time I'd like to thank my family, and all of yours, for making our service possible through their sacrifice. I would like to recognize my family for the tremendous support they have given me through the years:

My wife, Chara. My son David and his wife Stephanie, along with their children: Caden, Nolan, and Tyson. My daughter Devon, her husband Woody, and their son William. And my daughters Dailee and Dana.

Being away from our loved ones is the hardest part of this job. We owe it to them to make the most of our time here—to build a better Missouri

for our children and grandchildren.

As I embark on the opportunity to serve each of you as Pro Tem I am reminded of the lessons learned through decades of working in my family's small business. Our business is like thousands of others throughout this state—we work together to provide for our customers. Through the dignity of their own hard work our employees support their families, care for their loved ones, and provide opportunities to their children that they never would have dreamed.

We've had successes and setbacks. We've celebrated our personal and professional achievements as a family—and we've supported one another through tragedy—including my own. Through it all, we have relied on one another as family.

The same hallmarks of our small business successes have preserved this institution through our state's good days and bad. In the Senate, our success relies on our collegial relationships and deliberative debate. Romans 12:18 tells us “If it is possible, as far as it depends on you, live at peace with everyone.” The key there is that peace depends on us. This will be my guiding principle as I seek to serve and honor the trust each of you have placed in me. There will be many debates and many long nights in the coming months, but we should never lose sight that we were all called to this place in the name of public service.

We can disagree without being disagreeable—it's a choice we must consciously make every day. The work we do here isn't glamorous and it often attracts harsh and sometimes hurtful feedback—but it's important work nevertheless. The faith our constituents have placed in us is immense—we have a responsibility to them to look beyond our differences and find common ground.

When I find myself feeling frustrated in this chamber, I look at the fronts of our desks as I am now. And I see our district numbers there and not our own names. And I am reminded that we are here for our constituents and not for ourselves.

Each and every day, we owe it to the people of Missouri to remain committed to our shared priorities—great schools, good jobs, and safe communities. We must work to reduce the burden of government by promoting reforms to our regulatory, tort, and tax systems to ensure Missouri can compete and win in the 21st century. We will pass a fiscally responsible and balanced budget. And we will work to ensure that our shared priorities, like education and infrastructure, receive the investment they deserve.

We face an economy that is very different from the one many of us grew up in. Advanced practical skills are the ticket to the middle class and economic prosperity. We need to invest in the citizens of our state by offering training opportunities—regardless of age or previous experience. Any Missourian that wants to better themselves through hard work and education should have their state as an ally—not as a hindrance.

When I look back on this session, I will not measure our success by the quantity of legislation we pass but by the quality. We won't measure ourselves by the number of days we spent here—but by the lives we positively impact.

Though we face many challenges in the year ahead, I rest a little easier knowing that this body has nearly two centuries of history to call upon. The traditions and decorum of this institution deserve our respect and our passionate defense. I appreciate the ability to speak my mind plainly, maybe sometimes a little too plainly, and to hear my fellow senators do the same. I appreciate the great wisdom I've picked up listening to our debates—and the growth that comes from working together. And I appreciate the hard work of our Senate staff, true public servants, who spend many long days and late nights keeping us on track and moving forward.

I am not one for long speeches so I will leave you with one final thought that is not original but that has been repeated in this chamber often because of its power and plain truth. What I consider the unofficial motto of our chamber, is inscribed on this wall: “Free and Fair Discussion Will Ever Be Found the Firmest Friend to Truth.” Let us remember this in the days and months to come and let us work together to make Missouri better for every person who calls it home. May God bless our work and our great State of Missouri.

President Kehoe assumed the Chair.

Senator Schatz nominated Adriane D. Crouse for Secretary of Senate.

No further nominations being made, Ms. Crouse was elected by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Schatz nominated Bill Smith for Sergeant-at-Arms.

No other nominations being made, Mr. Smith was elected by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Adriane D. Crouse and Bill Smith advanced to the bar and subscribed to the oath of office, which was administered by Judge George W. Draper III.

**RESOLUTIONS**

Senator Rowden offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate, that the Secretary of the Senate inform the House of Representatives that the Senate of the First Regular Session of the One-hundredth General Assembly is duly convened and is now in session and ready for consideration of business;

BE IT FURTHER RESOLVED that the Secretary of the Senate notify the House of Representatives that the Senate is now organized with the election of the following named officers:

President Pro Tem	.....	Dave Schatz
Secretary of Senate	.....	Adriane D. Crouse
Sergeant-at-Arms	.....	Bill Smith

In accordance with Section 9.141, RSMo, the Bill of Rights was read.

On motion of Senator Rowden, the Senate recessed until 1:35 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by President Kehoe.

## **COMMITTEE APPOINTMENTS**

President Pro Tem Schatz submitted the following committee appointments, which were read:

### **Administration:**

Senator David Schatz – Chair  
Senator Caleb Rowden – Vice Chair  
Senator Jeanie Riddle  
Senator Gina Walsh  
Senator S. Kiki Curls

### **Gubernatorial Appointments:**

Senator David Schatz – Chair  
Senator Caleb Rowden – Vice Chair  
Senator Mike Cierpiot  
Senator Ed Emery  
Senator Doug Libla  
Senator Jeanie Riddle  
Senator Tony Luetkemeyer  
Senator Paul Wieland  
Senator Gina Walsh  
Senator S. Kiki Curls  
Senator Jamilah Nasheed

### **Rules, Joint Rules, Resolutions and Ethics:**

Senator Caleb Rowden – Chair  
Senator David Schatz – Vice Chair  
Senator Mike Bernskoetter  
Senator Dan Hegeman  
Senator Tony Luetkemeyer  
Senator Jason Holsman  
Senator Karla May

## **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:



I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 26, 2018, while the Senate was not in session.

Israel Baeza, Republican, 604 South Summit Avenue, Sedalia, Pettis County, Missouri 65301, as the Pettis County Eastern District Commissioner, for a term ending when his successor is duly elected or appointed and qualified; vice, D. Brent Hampy, resigned.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 21, 2018, while the Senate was not in session.

Raymond Bailey, 3 Westford Court, Saint Charles, Saint Charles County, Missouri 63304, as a member of the Seismic Safety Commission, for a term ending July 1, 2020, and until his successor is duly appointed and qualified; vice, Raymond Bailey, reappointed.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2018, while the Senate was not in session.

Cynthia Herrmann Baker, 5521 Hollywood Road, Ozark, Christian County, Missouri 65721, as a member of the Committee for Professional Counselors, for a term ending August 28, 2019, and until her successor is duly appointed and qualified; vice, Margaret A. Pigg, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 2, 2018, while the Senate was not in session.

Sherman "Bill" Birkes Jr., Republican, 502 Timber Hill Road, Joplin, Jasper County, Missouri 64801, as a member of the Missouri Ethics Commission, for a term ending March 15, 2022, and until his successor is duly appointed and qualified; vice, Nancy C. Hagan, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 27, 2018, while the Senate was not in session.

Carl Wayne Blades, Republican, 43389 State Highway 413, Crane, Stone County, Missouri 65633, as the Stone County Northern District Commissioner, for a term ending when his successor is duly elected or appointed and qualified; vice, Mark W. Maples, resigned.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 3, 2018, while the Senate was not in session.

Brandon Boulware, Democrat, 3710 Jarboe Street, Kansas City, Jackson County, Missouri 64111, as a member of the Missouri Gaming Commission, for a term ending April 29, 2020, and until his successor is duly appointed and qualified; vice, Herbert M. Kohn, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 20, 2018, while the Senate was not in session.

Charles B. Brown, 3012 Flamingo Drive, Saint Charles, Saint Charles County, Missouri 63301, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2022, and until his successor is duly appointed and qualified; vice, Mark W. States, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 18, 2018, while the Senate was not in session.

Randall C. Bryson, Republican, 3176 South Winding Trail Drive, Columbia, Boone County, Missouri 65201, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2021, and until his successor is duly appointed and qualified; vice, William Duncan, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102  
January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 20, 2018, while the Senate was not in session.

Sharon Turner Buie, Democrat, 2525 Main Street, Suite 409, Kansas City, Jackson County, Missouri 64108, as a member of the Kansas City Board of Election Commissioners, for a term ending January 10, 2021, and until her successor is duly appointed and qualified; vice, Sharon Turner Buie, withdrawn.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102  
January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 2, 2019, while the Senate was not in session.

David A. Cole, Republican, 12650 Chinquapin, Cassville, Barry County, Missouri 65625, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2021, and until his successor is duly appointed and qualified; vice, Andrew W. Lear, resigned.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102  
January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 20, 2018, while the Senate was not in session.

Carol S. Comer, 637 Norris Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Interstate Mining Compact Commission, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Carol

S. Comer, withdrawn.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 20, 2018, while the Senate was not in session.

Carol S. Comer, 637 Norris Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Midwest Interstate Low-Level Radioactive Waste Compact Commission, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Carol S. Comer, withdrawn.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 20, 2018, while the Senate was not in session.

Tiffany Drake, 201 West Russell, California, Moniteau County, Missouri 65018, as an alternate member of the Midwest Interstate Low-Level Radioactive Waste Compact Commission, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Tiffany Drake, withdrawn.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 24, 2018, while the Senate was not in session.

Mark J. Elliff, Republican, 1511 Grand Avenue, Carthage, Jasper County, Missouri 64836, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2019, and until his successor is duly appointed and qualified; vice, Craig Alan Porter, resigned.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 21, 2018, while the Senate was not in session.

Joel P. Evans, 505 Park Avenue, Sikeston, Scott County, Missouri 63801, as a member of the Seismic Safety Commission, for a term ending July 1, 2020, and until his successor is duly appointed and qualified; vice, Joel P. Evans, reappointed.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 20, 2018, while the Senate was not in session.

Michael B. Frazier, 596 North Buffalo Street, Marshfield, Webster County, Missouri 65706, as a member of the Missouri Developmental Disabilities Council, for a term ending June 30, 2020, and until his successor is duly appointed and qualified; vice, Vicki McCarrell, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 4, 2019, while the Senate was not in session.

Stephanie Gooden, Republican, 610 North English, Marshall, Saline County, Missouri 65340, as the Saline County Northern District Commissioner, for a term ending when her successor is duly elected or appointed and qualified; vice, Richard Clemons, deceased.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on

December 14, 2018, while the Senate was not in session.

James Leo Gray III, 2619 Briar Valley Court, Saint Louis, Saint Louis County, Missouri 63122, as a member of the State Board of Pharmacy, for a term ending June 1, 2022, and until his successor is duly appointed and qualified; vice, Barbara A. Bilek, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2018, while the Senate was not in session.

Colby H. Grove, 4034 East Latoka Street, Springfield, Greene County, Missouri 65809, as a member of the State Board of Pharmacy, for a term ending December 2, 2020, and until his successor is duly appointed and qualified; vice, Dale E. Smith, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 20, 2018, while the Senate was not in session.

Peter Herschend, Republican, 538 Oak Bluff Road, Branson, Taney County, Missouri 65616, as a member of the State Board of Education, for a term ending July 1, 2023, and until his successor is duly appointed and qualified; vice, Peter Herschend, withdrawn.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 18, 2018, while the Senate was not in session.

Anne K. Heyen, 507 Eagle Lake Drive, Ashland, Boone County, Missouri 65010, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2022, and until her successor is duly appointed and qualified; vice, Anne K. Heyen, reappointed.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO

65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 20, 2018, while the Senate was not in session.

Jerrold L. Hogan, 3497 Austin Drive, Joplin, Newton County, Missouri 64804, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, for a term ending September 30, 2020, and until his successor is duly appointed and qualified; vice, John Michael Flowers, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO

65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 4, 2019, while the Senate was not in session.

Randy Huffman, Republican, 20778 Highway 139, Galt, Sullivan County, Missouri 64641, as the Sullivan County Western District Commissioner, for a term ending when his successor is duly elected or appointed and qualified; vice, Danny Busick, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO

65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 28, 2018, while the Senate was not in session.

Maynard Bill Jones, Democrat, 11276 Fairground Road, Versailles, Morgan County, Missouri 65084, as a member of the Missouri Veterinary Medical Board, for a term ending August 29, 2022, and until his successor is duly appointed and qualified; vice, Maynard Bill Jones, reappointed.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO

65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 20, 2018, while the Senate was not in session.

Jon M. Kempker, 2139 Deer Trail, Jefferson City, Cole County, Missouri 65101, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2021, and until his successor is duly appointed and qualified; vice, Jon M. Kempker, withdrawn.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102  
January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 20, 2018, while the Senate was not in session.

Jamie S. Kondis, 250 South Brentwood Boulevard, Unit 1-A, Clayton, Saint Louis County, Missouri 63105, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2021, and until her successor is duly appointed and qualified; vice, Jamie S. Kondis, reappointed.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102  
January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 18, 2018, while the Senate was not in session.

Timothy D. Larson, 5715 Wrenwyck Place, Weldon Spring, Saint Charles County, Missouri 63304, as a member of the Missouri Dental Board, for a term ending October 16, 2023, and until his successor is duly appointed and qualified; vice, Bryan Chapman, resigned.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102  
January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 20, 2018, while the Senate was not in session.



Larry J. Lehman, 732 Deer Creek Road, Jefferson City, Cole County, Missouri 65109, as the alternate member of the Interstate Mining Compact Commission, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Larry J. Lehman, withdrawn.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 8, 2019, while the Senate was not in session.

James P. Limbaugh, Republican, 2550 Wild Horse Trail, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Southeast Missouri State University Board of Regents, for a term ending January 1, 2025, and until his successor is duly appointed and qualified; vice, Donald George LaFerla, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 2, 2018, while the Senate was not in session.

John Mallott, 401 East Washington, Kennett, Dunklin County, Missouri 63857, as a member of the Seismic Safety Commission, for a term ending July 1, 2020, and until his successor is duly appointed and qualified; vice, John Mallott, reappointed.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 24, 2018, while the Senate was not in session.

Rick D. McDowell, Republican, 7827 Northwest Twilight Place, Parkville, Platte County, Missouri 64152, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2019, and until his successor is duly appointed and qualified; vice, Jason G. Crowell, withdrawn.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 18, 2018, while the Senate was not in session.

Julie A. Miller, 57660 Airport Road, California, Moniteau County, Missouri 65018, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2020, and until her successor is duly appointed and qualified; vice, Rhonda Shimmens, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 28, 2018, while the Senate was not in session.

Andrew T. Moore, Republican, 341 Terrace Trail, Poplar Bluff, Butler County, Missouri 63901, as a member of the State Board of Embalmers and Funeral Directors, for a term ending April 1, 2023, and until his successor is duly appointed and qualified; vice, Jerald A. Dickey, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 26, 2018, while the Senate was not in session.

Robert “Bob” Nance, Republican, 10915 North Wallace, Kansas City, Clay County, Missouri 64157, as a member of the Clay County Board of Election Commissioners, for a term ending June 15, 2021, and until his successor is duly appointed and qualified; vice, Angela Beshears, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 18, 2018, while the Senate was not in session.

Fred P. Pestello, 5095 Westminster Place, Saint Louis, Saint Louis City, Missouri 63108, as a member of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District, for a term ending November 10, 2021, and until his successor is duly appointed and qualified; vice, Vincent C. Schoemehl, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102  
January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 16, 2018, while the Senate was not in session.

Donald E. Phillips, Republican, 18 Midview Drive, Kimberling City, Stone County, Missouri 65686, as a member of the Board of Probation and Parole, for a term ending December 10, 2023, and until his successor is duly appointed and qualified; vice, Kenneth Jones, resigned.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102  
January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 18, 2018, while the Senate was not in session.

Sheila Barrett Ray, 6775 West Bruce Lane, Harrisburg, Boone County, Missouri 65256, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2020, and until her successor is duly appointed and qualified; vice, Robyn C. Chambers, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102  
January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 2, 2019, while the Senate was not in session.

Michael B. Robertson, Republican, 4319 North 3rd Street, Ozark, Christian County, Missouri 65721, as the Christian County Eastern District Commissioner, for a term ending when his successor is duly elected or appointed and qualified; vice, Ralph Phillips, resigned.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 2, 2018, while the Senate was not in session.

Brent Rosenblad, 3105 Meghann Drive, Columbia, Boone County, Missouri 65203, as a member of the Seismic Safety Commission, for a term ending July 1, 2022, and until his successor is duly appointed and qualified; vice, Brent Rosenblad, reappointed.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 8, 2019, while the Senate was not in session.

John Christopher Russell, Republican, 780 South Bellflower Drive, Springfield, Greene County, Missouri 65809, as the Greene County Eastern District Commissioner, for a term ending when his successor is duly elected or appointed and qualified; vice, Lincoln P. Hough, resigned.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 2, 2018, while the Senate was not in session.

Eric Sandvol, 340 Crown Point, Columbia, Boone County, Missouri 65203, as a member of the Seismic Safety Commission, for a term ending July 1, 2020, and until his successor is duly appointed and qualified; vice, Eric Sandvol, reappointed.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO

65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2018, while the Senate was not in session.

Christopher A. Sanford, 11475 North Farm Road 119, Brighton, Polk County, Missouri 65617, as a member of the Missouri Board of Occupational Therapy, for a term ending December 11, 2021, and until his successor is duly appointed and qualified; vice, Peggy Gettemeier, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO

65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 2, 2018, while the Senate was not in session.

Kayla Sue Schoonover, Independent, 30512 State Highway N, Fairfax, Atchison County, Missouri 64446, as a member of the Missouri Western State University Board of Governors, for a term ending October 29, 2022, and until her successor is duly appointed and qualified; vice, Darrell R. Jones, withdrawn.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO

65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 28, 2018, while the Senate was not in session.

Linda J. Scorse, Republican, 12424 Elder Road, Joplin, Newton County, Missouri 64804, as a member of the Missouri Veterinary Medical Board, for a term ending August 29, 2022, and until her successor is duly appointed and qualified; vice, David L. Gourley, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO

65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 26, 2018, while the Senate was not in session.

Blake Sherer, Republican, 304 Northwest Briarcliff Circle, Kansas City, Clay County, Missouri 64116, as a member of the Clay County Board of Election Commissioners, for a term ending June 15, 2019, and until his successor is duly appointed and qualified; vice, James Chappell, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102  
January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 28, 2018, while the Senate was not in session.

Phillip L. Slinkard, 17487 Parrot Road, Neosho, Newton County, Missouri 64850, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2023, and until his successor is duly appointed and qualified; vice, Phillip L. Slinkard, reappointed.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102  
January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 28, 2018, while the Senate was not in session.

Joseph M. Smith, Republican, 4137 Stonecroft Drive, Saint Charles, Saint Charles County, Missouri, 63304, as a member of the St. Charles County Convention and Sports Facilities Authority, for a term ending April 27, 2021, and until his successor is duly appointed and qualified; vice, Sarah E. Mullen, withdrawn.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102  
January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 21, 2018, while the Senate was not in session.

Daryl R. Sorrell, 3667 County Road 410, Poplar Bluff, Butler County, Missouri 63901, as a member of the Seismic Safety Commission, for a term ending July 1, 2022, and until his successor is duly appointed and qualified; vice, Daryl R. Sorrell, reappointed.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 20, 2018, while the Senate was not in session.

John Stamm, Independent, 308 West 8th Street, Apartment 418, Kansas City, Jackson County, Missouri 64105, as a member of the Missouri Community Service Commission, for a term ending March 26, 2021, and until his successor is duly appointed and qualified; vice, Nicole N. Roach, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 21, 2018, while the Senate was not in session.

Craig Stevenson, 3250 East Highway 124, Hallsville, Boone County, Missouri 65255, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2022, and until his successor is duly appointed and qualified; vice, Suzette M. Forbis, resigned.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 2, 2018, while the Senate was not in session.

Leroy C. Tieman, Republican, 4609 Manor Drive, Saint Joseph, Buchanan County, Missouri 64506, as a member of the Missouri Western State University Board of Governors, for a term ending October 29, 2024, and until his successor is duly appointed and qualified; vice, Alfred Purcell, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 2, 2018, while the Senate was not in session.

Cheryl D.S. Walker, Democrat, 3933 Blaine Avenue, Saint Louis, Saint Louis City, Missouri 63110, as a member of the Missouri Ethics Commission, for a term ending March 15, 2022, and until her successor is duly appointed and qualified; vice, Eric Dirks, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 20, 2018, while the Senate was not in session.

Donald Wallace, 3113 Flintlock Path, Saint Charles, Saint Charles County, Missouri 63301, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2021, and until his successor is duly appointed and qualified; vice, Martin J. Struckhoff, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 18, 2018, while the Senate was not in session.

Robert P. Walsh, 12566 Tall Pine Drive, Sainte Genevieve, Sainte Genevieve County, Missouri 63670, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2021, and until his successor is duly appointed and qualified; vice, Roxanne McDaniel, resigned.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 2, 2018, while the Senate was not in session.



John “Jay” Wasson, Republican, 7002 Calabash Street, Nixa, Christian County, Missouri 65714, as a member of the Tourism Commission, for a term ending January 15, 2022, and until his successor is duly appointed and qualified; vice, John A. Joslyn, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 28, 2018, while the Senate was not in session.

Robert J. Whelan, 1537 Haven Hills Court, Poplar Bluff, Butler County, Missouri 63901, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2023, and until his successor is duly appointed and qualified; vice, Sandra Wedewer, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2018, while the Senate was not in session.

Linda Sue Hermann Wimpfheimer, 222 South Maple, Webster Groves, Saint Louis County, Missouri 63119, as a member of the Committee for Professional Counselors, for a term ending August 28, 2019, and until her successor is duly appointed and qualified; vice, Gregory Roebach, resigned.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 2, 2018, while the Senate was not in session.

Kurt D. Witzel, Republican, 3116 Southridge Park Lane, Saint Louis, Saint Louis County, Missouri 63129, as a member of the Tourism Commission, for a term ending January 15, 2019, and until his successor is duly appointed and qualified; vice, Brenda Tinnen, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY, MO  
65102

January 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 20, 2018, while the Senate was not in session.

Nicole E. Wood, Republican, 583 East Capri Drive, Bonne Terre, Saint Francois County, Missouri 63628, as a member of the Conservation Commission, for a term ending June 30, 2023, and until her successor is duly appointed and qualified; vice, Nicole E. Wood, withdrawn.

Respectfully submitted,  
Michael L. Parson  
Governor

President Pro Tem Schatz referred the above appointments to the Committee on Gubernatorial Appointments.

### **FIRST READING OF PRE-FILED SENATE BILLS**

As provided by Chapter 21, RSMo, Sections 21.600, 21.605, 21.615 and 21.620, the following pre-filed Bills and/or Joint Resolutions were introduced and read for the first time:

**SB 1—By Curls.**

An Act to repeal section 610.140, RSMo, and to enact in lieu thereof one new section relating to expungement of certain criminal records.

**SB 2—By Curls.**

An Act to amend chapter 195, RSMo, by adding thereto one new section relating to medical marijuana license and certificate applicants.

**SB 3—By Curls.**

An Act to amend chapter 82, RSMo, by adding thereto one new section relating to abandoned real property in certain cities.

**SB 4—By Sater.**

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to the supplemental nutrition assistance program.

**SB 5—By Sater, Hegeman and Onder.**

An Act to repeal sections 116.030, 116.040, 116.050, 116.080, 116.090, 116.100, 116.110, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, and to enact in lieu thereof fourteen new sections relating to the petition process for amending the law, with penalty provisions and an emergency clause.

**SB 6—By Sater.**

An Act to repeal sections 195.015, 195.017, 565.021, 579.015, 579.065, and 579.068, RSMo, and to enact in lieu thereof six new sections relating to controlled substances, with penalty provisions.

**SB 7—By Emery.**

An Act to repeal sections 507.040, 507.050, 508.010, 508.012, and 537.762, RSMo, and to enact in lieu

thereof nine new sections relating to civil procedure.

**SB 8**—By Emery.

An Act to amend chapter 558, RSMo, by adding thereto one new section relating to required minimum prison sentences.

**SB 9**—By Emery.

An Act to repeal sections 106.030, 106.040, 106.070, 106.080, 106.090, 106.100, 106.110, 106.120, 106.130, 106.150, 106.160, 106.170, 106.180, 106.200, and 106.210, RSMo, and to enact in lieu thereof twelve new sections relating to impeachment trials, with a contingent effective date.

**SB 10**—By Cunningham.

An Act to repeal sections 290.512 and 290.517, RSMo, and to enact in lieu thereof two new sections relating to the minimum wage rates required to be paid to employees.

**SB 11**—By Cunningham.

An Act to repeal section 208.225, RSMo, and to enact in lieu thereof one new section relating to Medicaid per diem reimbursement rates.

**SB 12**—By Cunningham.

An Act to repeal section 57.280, RSMo, and to enact in lieu thereof one new section relating to charges for the service of court orders.

**SB 13**—Withdrawn.

**SB 14**—By Wallingford.

An Act to repeal section 452.375, RSMo, and to enact in lieu thereof one new section relating to child custody arrangements.

**SB 15**—By Wallingford.

An Act to repeal section 304.820, RSMo, and to enact in lieu thereof one new section relating to the operation of motor vehicles while using electronic devices, with penalty provisions.

**SB 16**—By Romine.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to workforce incentive grants.

**SB 17**—By Romine.

An Act to repeal section 169.560, RSMo, and to enact in lieu thereof one new section relating to the public school retirement system of Missouri, with an emergency clause.

**SB 18**—By Romine.

An Act to repeal sections 161.032, 161.042, and 161.052, RSMo, and to enact in lieu thereof four new sections relating to gubernatorial appointments.

**SB 19**—By Libla.

An Act to repeal sections 544.671, 565.050, 565.052, 565.054, 565.056, and 575.150, RSMo, and to

enact in lieu thereof six new sections relating to certain crimes against emergency service providers, with penalty provisions.

**SB 20—By Libla.**

An Act to repeal section 488.5050, RSMo, and to enact in lieu thereof one new section relating to the expiration of a court surcharge for deposit in the DNA profiling analysis fund.

**SB 21—By Libla.**

An Act to repeal section 94.900, RSMo, and to enact in lieu thereof one new section relating to a public safety sales tax, with an emergency clause.

**SB 22—By Nasheed.**

An Act to amend supreme court rules 25.02, 25.03, 25.04, 25.05, 25.10, 25.12, 25.14, 25.15, 25.16, 25.17, 25.18, and 25.19, relating to discovery in criminal cases.

**SB 23—By Nasheed.**

An Act to repeal section 455.010, RSMo, and to enact in lieu thereof sixteen new sections relating to firearms restraining orders, with penalty provisions.

**SB 24—By Nasheed.**

An Act to amend chapter 221, RSMo, by adding thereto one new section relating to the transfer of prisoners.

**SB 25—By Sifton.**

An Act to repeal sections 160.410, 160.415, 162.081, 163.018, 167.131, 167.151, and 167.241, RSMo, and to enact in lieu thereof twelve new sections relating to elementary and secondary education, with an emergency clause for certain sections.

**SB 26—By Sifton.**

An Act to repeal section 130.011, RSMo, and to enact in lieu thereof two new sections relating to campaign finance disclosure requirements, with an effective date.

**SB 27—By Sifton.**

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to MO HealthNet services, with a referendum clause.

**SB 28—By Hegeman.**

An Act to repeal section 135.352, RSMo, and to enact in lieu thereof one new section relating to low-income housing tax credits.

**SB 29—By Hegeman.**

An Act to repeal sections 190.839, 198.439, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof six new sections relating to reimbursement allowance taxes.

**SB 30—By Hegeman.**

An Act to repeal section 307.178, RSMo, and to enact in lieu thereof one new section relating to the admissibility of failure to wear a safety belt as evidence in certain civil actions, with an existing penalty

provision.

**SB 31**—By Wieland.

An Act to repeal sections 383.015, 383.016, 383.035, 383.037, and 383.206, RSMo, and to enact in lieu thereof seven new sections relating to malpractice insurance.

**SB 32**—By Wieland.

An Act to repeal sections 546.680, 546.690, 546.700, 546.710, 546.720, 546.730, 546.740, 546.750, 546.800, 546.810, 546.820, 565.004, 565.006, 565.020, 565.030, 565.032, 565.035, and 565.040, RSMo, and to enact in lieu thereof four new sections relating to repealing the death penalty, with existing penalty provisions.

**SB 33**—By Wieland.

An Act to repeal section 172.100, RSMo, and to enact in lieu thereof two new sections relating to state colleges and universities grievance procedures.

**SB 34**—By Riddle.

An Act to repeal sections 58.095 and 193.145, RSMo, and to enact in lieu thereof four new sections relating to coroners.

**SB 35**—By Riddle.

An Act to repeal section 566.150, RSMo, and to enact in lieu thereof one new section relating to certain offenders of sex crimes, with existing penalty provisions.

**SB 36**—By Riddle.

An Act to repeal section 339.190, RSMo, and to enact in lieu thereof one new section relating to real estate licensees.

**SB 37**—By Onder.

An Act to repeal section 567.050, RSMo, and to enact in lieu thereof one new section relating to the offense of promoting prostitution, with penalty provisions.

**SB 38**—By Onder.

An Act to amend chapter 285, RSMo, by adding thereto one new section relating to the employer-employee relationship.

**SB 39**—By Onder.

An Act to repeal sections 70.441, 571.107, 577.703, and 577.712, RSMo, and to enact in lieu thereof four new sections relating to the carrying of firearms on public transportation systems, with existing penalty provisions.

**SB 40**—By Schupp.

An Act to amend chapter 571, RSMo, by adding thereto one new section relating to the storage of firearms, with penalty provisions.

**SB 41**—By Schupp.

An Act to repeal sections 455.050 and 571.070, RSMo, and to enact in lieu thereof two new sections

relating to domestic violence offenders, with penalty provisions.

**SB 42—By Schupp.**

An Act to repeal sections 455.010, 455.050, and 571.070, RSMo, and to enact in lieu thereof three new sections relating to an extreme risk order of protection, with penalty provisions.

**SB 43—By Hoskins.**

An Act to amend chapter 313, RSMo, by adding thereto seven new sections relating to video lottery, with penalty provisions.

**SB 44—By Hoskins.**

An Act to repeal section 313.800, RSMo, and to enact in lieu thereof seven new sections relating to sports wagering, with penalty provisions.

**SB 45—By Hoskins.**

An Act to repeal section 376.1224, RSMo, and to enact in lieu thereof two new sections relating to health care for persons with disabilities.

**SB 46—By Koenig.**

An Act to repeal sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 94.900, 143.011, 143.121, 144.010, 144.011, 144.014, 144.020, 144.021, 144.030, 144.032, 144.043, 144.049, 144.054, 144.060, 144.069, 144.080, 144.083, 144.100, 144.140, 144.190, 144.210, 144.285, 144.517, 144.526, 144.600, 144.605, 144.655, 144.710, 144.759, 144.761, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 184.845, 221.407, 238.235, 238.410, and 644.032, RSMo, and to enact in lieu thereof eighty-five new sections relating to taxation, with penalty provisions and an effective date.

**SB 47—Withdrawn.**

**SB 48—By Koenig.**

An Act to repeal sections 191.671, 376.385, 376.429, 376.446, 376.452, 376.454, 376.779, 376.781, 376.782, 376.811, 376.845, 376.1199, 376.1200, 376.1209, 376.1210, 376.1215, 376.1218, 376.1219, 376.1220, 376.1224, 376.1225, 376.1230, 376.1232, 376.1235, 376.1237, 376.1250, 376.1253, 376.1257, 376.1275, 376.1290, 376.1400, 376.1550, and 376.1900, RSMo, and to enact in lieu thereof thirty-four new sections relating to short-term major medical policies.

**SB 49—By Rowden.**

An Act to repeal sections 435.415 and 537.065, RSMo, and to enact in lieu thereof two new sections relating to enforcement of judgments and decrees against insurance companies.

**SB 50—By Eigel.**

An Act to repeal sections 143.011 and 144.021, RSMo, and to enact in lieu thereof nine new sections relating to taxation.

**SB 51**—By Eigel.

An Act to repeal sections 160.400, 160.405, 160.408, 160.410, 160.415, and 160.425, RSMo, and to enact in lieu thereof eight new sections relating to charter schools.

**SB 52**—By Eigel.

An Act to repeal sections 32.087, 143.011, and 144.020, RSMo, and to enact in lieu thereof four new sections relating to taxation, with an effective date.

**SB 53**—By Crawford.

An Act to repeal section 54.140, RSMo, and to enact in lieu thereof one new section relating to duties of county officials, with an existing penalty provision.

**SB 54**—By Crawford.

An Act to repeal section 374.191, RSMo, and to enact in lieu thereof one new section relating to interest rates on payments by insurers.

**SB 55**—By Crawford.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to low-income rate authorization for water corporations and sewer corporations.

**SB 56**—By Cierpiot.

An Act to repeal sections 620.2010 and 620.2020, RSMo, and to enact in lieu thereof two new sections relating to financial incentives for job creation.

**SB 57**—By Cierpiot.

An Act to repeal section 67.641, RSMo, and to enact in lieu thereof two new sections relating to certain tourism infrastructure facilities.

**SB 58**—By Cierpiot.

An Act to repeal section 620.2005, RSMo, and to enact in lieu thereof one new section relating to tax credits for job creation.

**SB 59**—By Arthur.

An Act to repeal sections 115.277, 115.279, and 115.283, RSMo, and to enact in lieu thereof three new sections relating to absentee voting.

**SB 60**—By Arthur.

An Act to amend chapter 441, RSMo, by adding thereto one new section relating to victims of certain crimes.

**SB 61**—By Arthur.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to a tax deduction for educator expenses.

**SB 62**—By Burlison.

An Act to repeal section 407.025, RSMo, and to enact in lieu thereof three new sections relating to civil

actions.

**SB 63**—By Burlison.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to labor organizations, with penalty provisions.

**SB 64**—By Burlison.

An Act to repeal section 67.307, RSMo, and to enact in lieu thereof one new section relating to sanctuary policies for municipalities.

**SB 65**—By White.

An Act to repeal sections 510.263, 510.265, 538.205, and 538.210, RSMo, and to enact in lieu thereof five new sections relating to punitive damages.

**SB 66**—By White.

An Act to amend chapter 640, RSMo, by adding thereto six new sections relating to water safety and security.

**SB 67**—By White.

An Act to repeal section 538.228, RSMo, and to enact in lieu thereof one new section relating to the provision of emergency medical treatment.

**SB 68**—By Hough.

An Act to repeal section 620.511, RSMo, and to enact in lieu thereof one new section relating to workforce development.

**SB 69**—By Hough.

An Act to amend chapter 537, RSMo, by adding thereto six new sections relating to court proceedings.

**SB 70**—By Hough.

An Act to repeal sections 208.909, 208.918, and 208.924, RSMo, and to enact in lieu thereof three new sections relating to personal care assistance services.

**SB 71**—By Brown.

An Act to repeal section 287.310, RSMo, and to enact in lieu thereof one new section relating to workers' compensation premiums.

**SB 72**—By O'Laughlin.

An Act to repeal section 153.034, RSMo, and to enact in lieu thereof one new section relating to property tax assessments of electric companies.

**SB 73**—By O'Laughlin and Emery.

An Act to repeal sections 167.268 and 167.645, RSMo, and to enact in lieu thereof two new sections relating to reading intervention in schools.

**SB 74**—By May.

An Act to repeal sections 217.760 and 558.019, RSMo, and to enact in lieu thereof two new sections



relating to prison terms.

**SB 75**—By Curls.

An Act to repeal section 571.101, RSMo, and to enact in lieu thereof two new sections relating to the carrying of a concealed weapon, with an existing penalty provision.

**SB 76**—By Sater.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to work and community engagement requirements for certain MO HealthNet participants.

**SB 77**—By Sater.

An Act to amend chapter 208, RSMo, by adding thereto four new sections relating to the Medicaid global waiver.

**SB 78**—By Sater.

An Act to repeal section 208.790, RSMo, and to enact in lieu thereof one new section relating to the Missouri Rx plan.

**SB 79**—By Emery.

An Act to repeal sections 479.350, 479.353, 479.359, 479.360, and 479.368, RSMo, and to enact in lieu thereof five new sections relating to municipal ordinance violations, with penalty provisions.

**SB 80**—By Emery.

An Act to repeal sections 168.104, 168.110, 168.124, 168.128, 168.221, and 168.410, RSMo, and to enact in lieu thereof seven new sections relating to teacher employment.

**SB 81**—By Emery.

An Act to repeal sections 536.017, 536.063, 536.085, 536.087, and 536.140, RSMo, and to enact in lieu thereof six new sections relating to administrative law procedures.

**SB 82**—By Cunningham.

An Act to repeal sections 197.300, 197.305, 197.310, 197.312, 197.315, 197.316, 197.318, 197.320, 197.325, 197.326, 197.327, 197.330, 197.335, 197.340, 197.366, 197.367, and 208.225, RSMo, and to enact in lieu thereof seventeen new sections relating to health care facilities, with existing penalty provisions.

**SB 83**—By Cunningham.

An Act to repeal section 452.377, RSMo, and to enact in lieu thereof one new section relating to child relocation.

**SB 84**—By Cunningham.

An Act to repeal section 256.700, RSMo, and to enact in lieu thereof one new section relating to geologic resources fees.

**SB 85**—By Wallingford.

An Act to repeal section 144.080, RSMo, and to enact in lieu thereof one new section relating to sales tax filing dates, with existing penalty provisions.

**SB 86**—By Wallingford.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to funding for senior services.

**SB 87**—By Wallingford.

An Act to repeal section 143.1026, RSMo, and to enact in lieu thereof one new section relating to tax refund donations for pediatric cancer research.

**SB 88**—By Libla.

An Act to repeal section 210.160, RSMo, and to enact in lieu thereof two new sections relating to guardians ad litem.

**SB 89**—By Libla.

An Act to repeal sections 302.170, 302.720, and 302.768, RSMo, and to enact in lieu thereof three new sections relating to commercial driver's licenses, with existing penalty provisions.

**SB 90**—By Libla.

An Act to repeal sections 288.040, 288.130, and 288.245, RSMo, and to enact in lieu thereof four new sections relating to employment security.

**SB 91**—By Nasheed.

An Act to repeal section 304.590, RSMo, and to enact in lieu thereof one new section relating to traffic offenses, with existing penalty provisions.

**SB 92**—By Nasheed.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for fertility treatments.

**SB 93**—By Sifton.

An Act to repeal sections 556.061 and 579.020, RSMo, and to enact in lieu thereof two new sections relating to penalties for the offense of delivery of controlled substances containing heroin, with penalty provisions.

**SB 94**—By Sifton.

An Act to repeal section 571.070, RSMo, and to enact in lieu thereof one new section relating to the unlawful possession of firearms, with penalty provisions.

**SB 95**—By Sifton.

An Act to repeal sections 290.400, 290.410, 290.440, and 290.450, RSMo, and to enact in lieu thereof three new sections relating to employment practices relating to gender.

**SB 96**—By Hegeman.

An Act to repeal sections 516.120 and 516.140, RSMo, and to enact in lieu thereof two new sections relating to the statute of limitations for personal injury claims.

**SB 97**—By Hegeman.

An Act to repeal section 137.073, RSMo, and to enact in lieu thereof one new section relating to the assessment of certain properties that are exempt from ad valorem taxes.

**SB 98**—By Wieland.

An Act to repeal section 376.421, RSMo, and to enact in lieu thereof one new section relating to health insurance.

**SB 99**—By Wieland.

An Act to repeal sections 376.960, 376.961, 376.962, 376.964, 376.966, 376.970, and 376.987, RSMo, and to enact in lieu thereof sixteen new sections relating to the Missouri reinsurance plan.

**SB 100**—By Riddle.

An Act to amend chapter 516, RSMo, by adding thereto one new section relating to statutes of limitations.

**SB 101**—By Riddle.

An Act to amend chapter 209, RSMo, by adding thereto one new section relating to a statewide hearing aid distribution program.

**SB 102**—By Riddle.

An Act to repeal section 304.015, RSMo, and to enact in lieu thereof one new section relating to the operation of certain motor vehicles on the shoulder of the roadway, with existing penalty provisions.

**SB 103**—By Schupp.

An Act to repeal section 376.690, RSMo, and to enact in lieu thereof one new section relating to unanticipated out-of-network health care services.

**SB 104**—By Schupp.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to MO HealthNet services, with a referendum clause.

**SB 105**—By Schupp.

An Act to amend chapter 351, RSMo, by adding thereto twelve new sections relating to benefit corporations.

**SB 106**—By Hoskins.

An Act to repeal section 188.028, RSMo, and to enact in lieu thereof one new section relating to parental notification.

**SB 107**—By Hoskins.

An Act to repeal section 209.204, RSMo, and to enact in lieu thereof one new section relating to service dogs, with penalty provisions.

**SB 108**—By Koenig.

An Act to repeal sections 99.805, 99.810, and 99.843, RSMo, and to enact in lieu thereof three new

sections relating to tax increment financing.

**SB 109**—By Koenig.

An Act to repeal sections 115.137, 115.155, 115.157, 115.163, 115.225, 115.249, 115.279, 115.287, 115.327, 115.349, 115.351, 115.363, 115.395, 115.397, 115.409, 115.429, and 115.770, RSMo, and to enact in lieu thereof eighteen new sections relating to elections, with penalty provisions and a delayed effective date.

**SB 110**—By Koenig.

An Act to repeal sections 188.027 and 193.255, RSMo, and to enact in lieu thereof two new sections relating to abortion.

**SB 111**—By Eigel.

An Act to amend chapters 302 and 304, RSMo, by adding thereto two new sections relating to traffic enforcement.

**SB 112**—By Eigel.

An Act to amend chapter 92, RSMo, by adding thereto two new sections relating to earnings taxes.

**SB 113**—By Eigel.

An Act to repeal sections 115.225, 115.235, 115.237, 115.287, and 115.497, RSMo, and to enact in lieu thereof five new sections relating to elections.

**SB 114**—By Crawford.

An Act to repeal section 136.055, RSMo, and to enact in lieu thereof one new section relating to motor vehicle license offices.

**SB 115**—By Crawford.

An Act to repeal sections 578.018 and 578.030, RSMo, and to enact in lieu thereof two new sections relating to the confiscation of animals, with penalty provisions.

**SB 116**—By Cierpiot.

An Act to repeal sections 620.511 and 620.513, RSMo, and to enact in lieu thereof two new sections relating to workforce development.

**SB 117**—By Cierpiot.

An Act to repeal section 621.045, RSMo, and to enact in lieu thereof fourteen new sections relating to roofing contractors, with penalty provisions.

**SB 118**—By Cierpiot.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to the protection of taxpayers utilizing certain tax preparers.

**SB 119**—By Arthur.

An Act to repeal section 306.220, RSMo, and to enact in lieu thereof one new section relating to personal flotation devices, with penalty provisions.

**SB 120**—By Burlison.

An Act to repeal section 302.020, RSMo, and to enact in lieu thereof two new sections relating to operation of motorcycles or motortricycles, with penalty provisions.

**SB 121**—By Burlison.

An Act to repeal sections 571.030, 571.107, 571.215, 577.703, and 577.712, RSMo, and to enact in lieu thereof seven new sections relating to firearms, with existing penalty provisions.

**SB 122**—By Burlison.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to a cause of action against a public body for offering certain services.

**SB 123**—By White.

An Act to repeal section 57.280, RSMo, and to enact in lieu thereof one new section relating to charges for the service of court orders.

**SB 124**—By Hough.

An Act to repeal section 70.600, RSMo, and to enact in lieu thereof two new sections relating to public safety.

**SB 125**—By Hough.

An Act to amend chapter 30, RSMo, by adding thereto ten new sections relating to municipal government, with a penalty provision.

**SB 126**—By Hough.

An Act to repeal section 8.231, RSMo, and to enact in lieu thereof one new section relating to energy savings.

**SB 127**—By Sater.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to a prescription drug importation study.

**SB 128**—By Sater.

An Act to repeal sections 208.909 and 208.918, RSMo, and to enact in lieu thereof two new sections relating to vendors of consumer-directed services.

**SB 129**—By Sater.

An Act to amend chapter 173, RSMo, by adding thereto five new sections relating to private college campus police.

**SB 130**—By Emery.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to the participation of home school students in public school activities.

**SB 131**—By Emery.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the comprehensive

state energy plan.

**SB 132**—By Emery.

An Act to repeal section 610.021, RSMo, and to enact in lieu thereof one new section relating to the closure of certain records.

**SB 133**—By Cunningham.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the sale of eggs, with penalty provisions.

**SB 134**—By Wallingford.

An Act to repeal section 260.240, RSMo, and to enact in lieu thereof one new section relating to solid waste penalty assessments.

**SB 135**—By Sifton.

An Act to repeal section 513.430, RSMo, and to enact in lieu thereof one new section relating to the exemption from attachment of a person's interest in proceeds from a personal injury claim.

**SB 136**—By Sifton.

An Act to repeal section 650.055, RSMo, and to enact in lieu thereof one new section relating to the collection of biological samples from individuals arrested for felony offenses.

**SB 137**—By Sifton.

An Act to repeal sections 302.574 and 479.500, RSMo, and to enact in lieu thereof two new sections relating to driver's license revocation proceedings for refusals to submit to chemical tests, with existing penalty provisions.

**SB 138**—By Riddle.

An Act to repeal section 29.200, RSMo, and to enact in lieu thereof one new section relating to reports issued by the state auditor.

**SB 139**—By Koenig.

An Act to repeal sections 188.027 and 188.052, RSMo, and to enact in lieu thereof three new sections relating to abortion, with penalty provisions.

**SB 140**—By Koenig.

An Act to repeal sections 367.031, 486.200, 486.205, 486.210, 486.215, 486.220, 486.225, 486.230, 486.235, 486.240, 486.245, 486.250, 486.255, 486.260, 486.265, 486.270, 486.275, 486.280, 486.285, 486.290, 486.295, 486.300, 486.305, 486.310, 486.315, 486.320, 486.325, 486.330, 486.335, 486.340, 486.345, 486.350, 486.355, 486.360, 486.365, 486.370, 486.375, 486.380, 486.385, 486.390, 486.395, 486.396, and 486.405, RSMo, and to enact in lieu thereof seventy-two new sections relating to notaries public, with an existing penalty provision and a delayed effective date.

**SB 141**—By Koenig.

An Act to repeal section 144.080, RSMo, and to enact in lieu thereof one new section relating to sales tax filing periods, with existing penalty provisions.

**SB 142**—By Eigel.

An Act to repeal sections 409.605, 409.610, 409.615, 409.620, 409.625, and 409.630, RSMo, and to enact in lieu thereof six new sections relating to the financial protection of vulnerable populations.

**SB 143**—By Cierpiot.

An Act to repeal sections 26.220, 26.225, 115.239, 115.307, 115.515, and 115.517, RSMo, and to enact in lieu thereof nine new sections relating to the joint election of governor and lieutenant governor, with a contingent effective date.

**SB 144**—By Burlison.

An Act to repeal sections 407.1095, 407.1098, 407.1104, and 407.1107, RSMo, and to enact in lieu thereof four new sections relating to call spoofing, with penalty provisions.

**SB 145**—By Burlison.

An Act to repeal section 210.1014, RSMo, and to enact in lieu thereof two new sections relating to the Amber alert system.

**SB 146**—By Burlison.

An Act to repeal sections 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-528, and 417.018, RSMo, and to enact in lieu thereof seven new sections relating to fees credited to the secretary of state's technology trust fund.

**SB 147**—By Sater.

An Act to repeal section 301.130, RSMo, and to enact in lieu thereof one new section relating to motor vehicle registration periods.

**SB 148**—By Sifton.

An Act to amend chapter 34, RSMo, by adding thereto three new sections relating to disclosures required by entities entering into contracts with a public agency.

**SB 149**—By Koenig.

An Act to repeal section 32.087, RSMo, and to enact in lieu thereof one new section relating to local sales taxes.

**SB 150**—By Koenig.

An Act to repeal section 407.020, RSMo, and to enact in lieu thereof one new section relating to civil actions, with an existing penalty provision.

**SB 151**—By Koenig.

An Act to repeal sections 143.071, 143.451, and 143.461, RSMo, and to enact in lieu thereof three new

sections relating to corporate income taxes.

**SB 152**—By Holsman.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to providing services to homeless persons.

**SB 153**—By Sifton.

An Act to repeal section 621.045, RSMo, and to enact in lieu thereof fourteen new sections relating to roofing contractors, with penalty provisions.

**SB 154**—By Luetkemeyer.

An Act to repeal sections 435.350, 435.355, and 435.440, RSMo, and to enact in lieu thereof four new sections relating to arbitration agreements between employers and employees.

**SB 155**—By Luetkemeyer.

An Act to amend chapter 195, RSMo, by adding thereto six new sections relating to the monitoring of certain prescribed controlled substances, with penalty provisions.

**SB 156**—By Wallingford.

An Act to repeal sections 287.220 and 287.280, RSMo, and to enact in lieu thereof two new sections relating to workers' compensation.

**SB 157**—By Wallingford.

An Act to repeal section 288.100, RSMo, and to enact in lieu thereof one new section relating to unemployment benefits probationary periods.

**SB 158**—By Eigel.

An Act to repeal section 227.100, RSMo, and to enact in lieu thereof one new section relating to valuation of bids for state contracts.

**SB 159**—By Sifton.

An Act to repeal section 621.015, RSMo, and to enact in lieu thereof one new section relating to administrative hearing commissioners.

**SB 160**—By Koenig.

An Act to amend chapters 135 and 166, RSMo, by adding thereto ten new sections relating to educational scholarships, with penalty provisions.

**SB 161**—By Cunningham.

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to automation adjustments paid by employers subject to unemployment compensation laws, with a delayed effective date.

**SB 162**—By Schupp.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof ten new sections relating to leave from employment, with a referendum clause.



**SB 163**—By Schupp.

An Act to amend chapter 571, RSMo, by adding thereto two new sections relating to the sale and transfer of firearms, with penalty provisions.

**SB 164**—By Schupp.

An Act to repeal section 337.712, RSMo, and to enact in lieu thereof one new section relating to marital and family therapists.

**SB 165**—By Eigel.

An Act to repeal sections 197.300, 197.305, 197.310, 197.311, 197.312, 197.315, 197.316, 197.318, 197.320, 197.325, 197.326, 197.327, 197.330, 197.335, 197.340, 197.345, 197.355, 197.357, 197.366, 197.367, 197.705, 198.530, 208.169, and 354.095, RSMo, and to enact in lieu thereof four new sections relating to certificates of need.

**SB 166**—By Crawford.

An Act to repeal sections 386.480 and 610.021, RSMo, and to enact in lieu thereof two new sections relating to records submitted to the public service commission, with existing penalty provisions.

**SB 167**—By Crawford.

An Act to repeal section 107.170, RSMo, and to enact in lieu thereof one new section relating to contracts for construction services.

**SB 168**—By Wallingford.

An Act to repeal section 177.086, RSMo, and to enact in lieu thereof one new section relating to competitive bidding for school districts.

**SB 169**—By Wallingford.

An Act to repeal section 386.572, RSMo, and to enact in lieu thereof one new section relating to civil penalties for violating federally mandated natural gas safety standards.

**SB 170**—By Schupp.

An Act to repeal sections 188.027 and 188.039, RSMo, and to enact in lieu thereof two new sections relating to abortion.

**SB 171**—By Schupp.

An Act to repeal sections 115.277, 115.279, and 115.283, RSMo, and to enact in lieu thereof three new sections relating to absentee voting.

**SB 172**—By Schupp.

An Act to repeal sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, and 213.101, RSMo, and to enact in lieu thereof nine new sections relating to unlawful discriminatory practices based on sexual orientation or gender identity.

**SB 173**—By Crawford.

An Act to repeal sections 67.2800, 67.2805, 67.2810, 67.2815, and 67.2820, RSMo, and to enact in lieu thereof nine new sections relating to property assessment contracts for energy efficiency.

**SB 174**—By Crawford.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to the calculation of Missouri adjusted gross income.

**SB 175**—By Crawford.

An Act to repeal section 148.064, RSMo, and to enact in lieu thereof one new section relating to a tax credit for certain financial institutions.

**SB 176**—By Hough.

An Act to repeal sections 34.040, 34.042, 34.044, and 34.047, RSMo, and to enact in lieu thereof four new sections relating to public contracts.

**SB 177**—By Hough.

An Act to repeal sections 192.007 and 205.100, RSMo, and to enact in lieu thereof two new sections relating to public health management qualifications.

**SB 178**—By Schupp.

An Act to amend chapter 285, RSMo, by adding thereto six new sections relating to leave from employment for victims of certain crimes.

**SB 179**—By Cunningham.

An Act to repeal sections 361.140, 361.230, 361.250, 361.440, 361.520, 362.025, 362.030, 362.042, 362.060, 362.430, 362.440, 362.450, 362.600, 362.660, 369.019, 369.059, 369.074, 369.079, 369.089, and 369.678, RSMo, and to enact in lieu thereof nineteen new sections relating to filings by certain financial institutions with the division of finance.

**SB 180**—By Wallingford.

An Act to repeal sections 620.2005 and 620.2010, RSMo, and to enact in lieu thereof two new sections relating to incentives for the creation of military jobs.

**SB 181**—Withdrawn.

**SB 182**—By Cierpiot.

An Act to repeal section 135.1670, RSMo, and to enact in lieu thereof one new section relating to incentives for interstate business relocation.

**SB 183**—By Arthur.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to an earned income tax credit.

**SB 184**—By Wallingford.

An Act to repeal sections 620.800, 620.803, 620.806, and 620.809, RSMo, and to enact in lieu thereof four new sections relating to job training.

**SB 185**—By Wallingford.

An Act to repeal sections 215.030 and 260.035, RSMo, and to enact in lieu thereof two new sections relating to employer eligibility in the Missouri State Employees' Retirement System.

**SB 186**—By Hegeman.

An Act to repeal sections 304.001 and 304.044, RSMo, and to enact in lieu thereof two new sections relating to the operation of platoons on Missouri roads, with an existing penalty provision.

**SB 187**—By Eigel.

An Act to repeal sections 143.011 and 313.800, RSMo, and to enact in lieu thereof twentyfive new sections relating to gaming, with penalty provisions.

**SB 188**—By Eigel.

An Act to repeal section 143.011, RSMo, and to enact in lieu thereof two new sections relating to taxation.

**SB 189**—By Crawford.

An Act to repeal sections 32.310, 144.605, and 144.757, RSMo, and to enact in lieu thereof four new sections relating to use taxes.

**SB 190**—By Onder.

An Act to repeal section 144.700, RSMo, and to enact in lieu thereof one new section relating to the use of sales and use tax revenues for transportation.

**SB 191**—By Schupp.

An Act to repeal sections 213.010, 213.020, 213.030, 213.040, 213.041, 213.045, 213.050, 213.070, 213.075, 213.076, 213.077, 213.085, 213.095, 213.101, 213.111, 213.112, 213.126, 213.135, and 510.265, RSMo, and to enact in lieu thereof twenty-eight new sections relating to unlawful discriminatory housing practices, with penalty provisions.

**SB 192**—By Schupp.

An Act to repeal sections 367.515, 408.100, 408.500, 408.505, and 408.510, RSMo, and to enact in lieu thereof six new sections relating to small loans, with penalty provisions and a referendum clause.

**SB 193**—By Schupp.

An Act to repeal section 130.011, RSMo, and to enact in lieu thereof two new sections relating to campaign finance, with an effective date.

**SB 194**—By Hoskins.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to the offense of unlawful use of unmanned aircraft near a correctional center, with penalty provisions.

**SB 195**—By Hoskins.

An Act to repeal sections 313.230 and 313.800, RSMo, and to enact in lieu thereof two new sections relating to wagering on certain sporting events.

**SB 196**—By Bernskoetter.

An Act to repeal section 253.403, RSMo, and to enact in lieu thereof one new section relating to historic county courthouses.

**SB 197**—By Onder.

An Act to repeal section 311.198, RSMo, and to enact in lieu thereof one new section relating to portable refrigeration units.

**SB 198**—By Onder.

An Act to repeal sections 556.061 and 579.020, RSMo, and to enact in lieu thereof two new sections relating to penalties for the offense of delivery of controlled substances containing fentanyl or carfentanil, with penalty provisions.

**SB 199**—By Arthur.

An Act to amend chapter 285, RSMo, by adding thereto twenty-one new sections relating to the Missouri secure choice savings program.

**SB 200**—By Hough.

An Act to repeal sections 32.300 and 302.181, RSMo, and to enact in lieu thereof two new sections relating to licenses granted by the department of revenue.

**SB 201**—By Romine.

An Act to repeal sections 301.010, 301.020, 301.055, and 301.070, RSMo, and to enact in lieu thereof four new sections relating to a miles per gallon based vehicle registration fee, with an existing penalty provision and a delayed effective date.

**SB 202**—By Romine.

An Act to amend chapter 256, RSMo, by adding thereto one new section relating to mining royalties on federal land.

**SB 203**—By Nasheed.

An Act to repeal sections 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, and 82.1031, RSMo, and to enact in lieu thereof three new sections relating to property regulations in certain cities and counties.

**SB 204**—By Riddle.

An Act to repeal sections 337.020 and 337.029, RSMo, and to enact in lieu thereof two new sections relating to psychologist licensees.

**SB 205**—By Arthur.

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to state funding for college-level classes taken in high school.

**SB 206**—By Arthur.

An Act to repeal section 177.086, RSMo, and to enact in lieu thereof one new section relating to construction of facilities authorized by school districts.

**SB 207**—By Emery.

An Act to repeal section 479.011, RSMo, and to enact in lieu thereof one new section relating to the

administrative adjudication of municipal ordinance violations.

**SB 208**—By Wallingford.

An Act to repeal sections 135.010, 135.025, and 135.030, RSMo, and to enact in lieu thereof three new sections relating to property tax relief for certain vulnerable populations.

**SB 209**—By May.

An Act to amend chapter 285, RSMo, by adding thereto one new section relating to the use of credit reports by employers.

**SB 210**—By May.

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the state fruit tree.

**SB 211**—By Wallingford.

An Act to repeal section 260.273, RSMo, and to enact in lieu thereof one new section relating to fees for new tires.

**SB 212**—By Onder.

An Act to repeal section 287.067, RSMo, and to enact in lieu thereof one new section relating to occupational diseases under workers' compensation laws.

**SB 213**—By Hegeman.

An Act to amend chapter 127, RSMo, by adding thereto two new sections relating to the nonpartisan state demographer.

**SB 214**—By Onder.

An Act to repeal sections 143.011 and 143.022, RSMo, and to enact in lieu thereof two new sections relating to income taxes.

**SB 215**—By Schupp.

An Act to repeal section 260.283, RSMo, relating to the provision of paper and plastic bags.

**SB 216**—By Schupp.

An Act to amend chapter 188, RSMo, by adding thereto one new section relating to pregnancy-related services.

**SB 217**—By Schupp.

An Act to repeal section 571.060, RSMo, and to enact in lieu thereof one new section relating to the offense of unlawful transfer of weapons, with penalty provisions.

**SB 218**—By Hoskins.

An Act to repeal section 178.530, RSMo, and to enact in lieu thereof one new section relating to agricultural education programs.

**SB 219**—By Hoskins.

An Act to repeal section 326.289, RSMo, and to enact in lieu thereof one new section relating to the practice of public accounting.

**SB 220**—By Hoskins.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to the taxation of partnerships.

**SB 221**—By Crawford.

An Act to repeal sections 115.357, 115.427, 115.493, and 115.642, RSMo, and to enact in lieu thereof four new sections relating to elections.

**SB 222**—By Hough.

An Act to repeal section 313.800, RSMo, and to enact in lieu thereof fourteen new sections relating to wagering on sporting events on excursion gambling boats.

**SB 223**—By Brown.

An Act to repeal section 565.021, RSMo, and to enact in lieu thereof one new section relating to the offense of murder in the second degree.

**SB 224**—By Luetkemeyer.

An Act to amend supreme court rules 56.01, 57.01, 57.03, 57.04, and 59.01, for the purposes of making certain rules relating to discovery more consistent with the Federal Rules of Civil Procedure.

**SB 225**—By Curls.

An Act to repeal sections 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, and 82.1031, RSMo, and to enact in lieu thereof three new sections relating to property regulations in certain cities and counties.

**SB 226**—By Sater.

An Act to repeal section 376.421, RSMo, and to enact in lieu thereof one new section relating to association health care plans.

**SB 227**—By Sater.

An Act to amend chapter 285, RSMo, by adding thereto one new section relating to employer policies on drug use.

**SB 228**—By Sater.

An Act to repeal section 288.160, RSMo, and to enact in lieu thereof one new section relating to methods of service of notice under employment security laws.

**SB 229**—By Crawford.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance reimbursement for athletic trainers.

**SB 230**—By Crawford.

An Act to repeal section 475.035, RSMo, and to enact in lieu thereof one new section relating to venue in guardianship and conservatorship proceedings.

**SB 231**—By Hough.

An Act to repeal section 301.559, RSMo, and to enact in lieu thereof one new section relating to motor

vehicle franchise practices, with existing penalty provisions.

**SB 232**—By Sater.

An Act to repeal section 208.146, RSMo, and to enact in lieu thereof one new section relating to the ticket to work health assurance program.

**SB 233**—By Sater.

An Act to repeal section 178.931, RSMo, and to enact in lieu thereof one new section relating to sheltered workshops.

**SJR 1**—By Sater and Onder.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 50 of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the initiative petition process.

**SJR 2**—By Emery.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 2 of article VII of the Constitution of Missouri, and adopting one new section in lieu thereof relating to impeachment trials.

**SJR 3**—By Hegeman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 25(a) of article V of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the nonpartisan court plan.

**SJR 4**—By Eigel.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IV of the Constitution of Missouri, relating to the state budget.

**SJR 5**—By Eigel.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 4(a), 4(b), 4(c), 6, and 12(a) of article X of the Constitution of Missouri, and adopting six new sections in lieu thereof relating to personal property taxes.

**SJR 6**—By Eigel.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 23 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the appropriation of state money.

**SJR 7**—By Cierpiot.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 50 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to initiative petitions.

**SJR 8**—By Cierpiot.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 17 of

article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to elective state officers.

**SJR 9—By Cierpiot.**

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 17 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to term limits for statewide offices.

**SJR 10—By Burlison.**

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27(a) of article IV of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to the state budget.

**SJR 11—By Burlison.**

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 50 of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the initiative petition process.

**SJR 12—By Eigel.**

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, by adding thereto one new section relating to voter turnout thresholds for tax increases.

**SJR 13—By Holsman.**

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to term limits for members of the general assembly.

**SJR 14—By Luetkemeyer.**

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VII of the Constitution of Missouri, by adding thereto one new section relating to the limitation of terms served by certain elected officers.

**SJR 15—By Holsman.**

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 23 of article VIII of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to financial disclosure for entities engaging in certain political campaign activities.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 2**.

**HOUSE RESOLUTION NO. 2**

BE IT RESOLVED, that the following be elected permanent officers of the House of Representatives of the One Hundredth General Assembly:



Chief Clerk ..... Dana Rademan Miller  
 Doorkeeper ..... Dennis Strader  
 Sergeant-at-Arms ..... Randy Werner  
 Chaplain ..... Reverend Monsignor Robert Kurwicki

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 3**.

#### HOUSE RESOLUTION NO. 3

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the One Hundredth General Assembly, First Regular Session, inform the Senate that the House is duly convened and is now in session ready for consideration of business; and

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives of the One Hundredth General Assembly is hereby instructed to inform the Senate that the House of Representatives is now duly organized with the following officers, to wit:

Speaker ..... Elijah Haahr  
 Speaker Pro Tem ..... John Wiemann  
 Chief Clerk ..... Dana Rademan Miller  
 Doorkeeper ..... Dennis Strader  
 Sergeant-at-Arms ..... Randy Werner  
 Chaplain ..... Reverend Monsignor Robert Kurwicki

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 4**.

#### HOUSE RESOLUTION NO. 4

BE IT RESOLVED, that a message be sent to the Governor of the State of Missouri to inform His Excellency that the House of Representatives and the Senate of the One Hundredth General Assembly, First Regular Session, of the State of Missouri, are now regularly organized and ready for business, and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 1**.

#### HOUSE CONCURRENT RESOLUTION NO. 1

BE IT RESOLVED, by the House of Representatives of the One Hundredth General Assembly, First Regular Session, of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 2:30 p.m., Wednesday, January 9, 2019, to commemorate the One Hundredth General Assembly with an official photograph; and

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 2**.

#### HOUSE CONCURRENT RESOLUTION NO. 2

BE IT RESOLVED, by the House of Representatives of the One Hundredth General Assembly, First Regular Session, of the State of

Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 3:00 p.m., Wednesday, January 16, 2019, to receive a message from His Excellency, the Honorable Michael L. Parson, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) members from the House of Representatives be appointed by the Speaker to act with a committee of ten (10) members from the Senate, appointed by the President Pro Tempore, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the One Hundredth General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 3**.

#### HOUSE CONCURRENT RESOLUTION NO. 3

BE IT RESOLVED, by the House of Representatives of the One Hundredth General Assembly, First Regular Session, of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 30, 2019, to receive a message from the Honorable Zel M. Fischer, Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) members from the House of Representatives be appointed by the Speaker to act with a committee of ten (10) members from the Senate, appointed by the President Pro Tempore, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and the Senate of the One Hundredth General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

#### CONCURRENT RESOLUTIONS

Senator Rowden moved that the rules be suspended for the purpose of taking up and adopting **HCR 1**, which motion prevailed.

Senator Rowden moved that **HCR 1** be taken up for adoption, which motion prevailed.

On motion of Senator Rowden, **HCR 1** was adopted by the following vote:

##### YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

##### NAYS—Senators—None

##### Absent—Senators—None

##### Absent with leave—Senators—None

##### Vacancies—None

On motion of Senator Rowden, the Senate repaired to the House of Representatives for a Joint Session commemorating the opening of the 100th General Assembly.

**JOINT SESSION**

The Joint Session was called to order by President Kehoe.

On roll call the following Senators were present:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On roll call the following Representatives were present:

## AYES: 160

Anderson	Andrews	Appelbaum	Bailey	Baker	Bangert	Baringer
Barnes	Basye	Beck	Billington	Black 7	Black 137	Bland Manlove
Bondon	Bosley	Bromley	Brown 27	Brown 70	Burnett	Burns
Busick	Butz	Carpenter	Carter	Chipman	Christofanelli	Clemens
Coleman 32	Coleman 97	Deaton	DeGroot	Dinkins	Dogan	Dohrman
Eggleston	Ellebracht	Ellington	Eslinger	Evans 99	Evans 154	Falkner III
Fishel	Fitzwater	Francis	Franks Jr.	Gannon	Gray	Green
Gregory	Grier	Griesheimer	Griffith	Haden	Haffner	Hannegan
Hansen	Helms	Henderson	Hicks	Hill	Houx	Hovis
Hudson	Hurst	Ingle	Justus	Kelley 127	Kelly 141	Kendrick
Kidd	Knight	Kolkmeier	Lavender	Lovasco	Love	Lynch
Mackey	Mayhew	McCreery	McDaniel	McGaugh	McGee	McGill
Merideth	Messenger	Miller	Mitten	Moon	Morgan	Morris 140
Morse 151	Mosley	Muntzel	Murphy	Neely	O'Donnell	Patterson
Pfautsch	Pierson Jr.	Pietzman	Pike	Plocher	Pogue	Pollitt 52
Pollock 123	Porter	Price	Proudie	Quade	Razer	Reedy
Rehder	Remole	Richey	Riggs	Roberts 77	Roberts 161	Roden
Roeber	Rogers	Rone	Ross	Rowland	Runions	Ruth
Sain	Sauls	Schnelting	Schroer	Sharpe	Shaul 113	Shawan
Shields	Shull 16	Simmons	Smith	Solon	Sommer	Spencer
Stacy	Stephens 128	Stevens 46	Swan	Tate	Taylor	Toalson Reisch
Trent	Unsicker	Veit	Vescovo	Walker	Walsh	Washington
Wiemann	Wilson	Windham	Wood	Wright	Mr. Speaker	

NOES: 0

ABSENT: 3

Allred                      Chappelle-Nadal                      Fitzpatrick

VACANCIES:

On motion of Senator Rowden, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by President Kehoe.

### **RESOLUTIONS**

Senator Onder offered Senate Resolution No. 3, regarding David Borgmeyer, St. Charles, which was adopted.

Senator Onder offered Senate Resolution No. 4, regarding Thomas E. Stephenson, St. Charles, which was adopted.

Senator Onder offered Senate Resolution No. 5, regarding Jerry Reese, St. Charles, which was adopted.

Senator Onder offered Senate Resolution No. 6, regarding Kelly Behlmann, St. Peters, which was adopted.

Senator Onder offered Senate Resolution No. 7, regarding Jeff Waple, Wentzville, which was adopted.

Senator Onder offered Senate Resolution No. 8, regarding Grotto Grill, Wentzville, which was adopted.

Senator Onder offered Senate Resolution No. 9, regarding Catherine Lammert, St. Charles, which was adopted.

Senator Walsh offered Senate Resolution No. 10, regarding Darla Tinker, which was adopted.

Senator Walsh offered Senate Resolution No. 11, regarding Cathy Bono, which was adopted.

Senator Wallingford offered Senate Resolution No. 12, regarding Arron Olivas, Jackson, which was adopted.

Senator Wallingford offered Senate Resolution No. 13, regarding Bug Zero, which was adopted.

Senator Wallingford offered Senate Resolution No. 14, regarding SERVPRO of Cape Girardeau and Scott Counties, which was adopted.

Senator Wallingford offered Senate Resolution No. 15, regarding Evan Theobald, which was adopted.

Senator Sater offered Senate Resolution No. 16, regarding Sam Goodman, which was adopted.

Senator Sater offered Senate Resolution No. 17, regarding Steve Kahre, which was adopted.

Senator Sater offered Senate Resolution No. 18, regarding Pam Robertson, which was adopted.

Senator Schatz offered the following resolution:

#### **SENATE RESOLUTION NO. 19**

##### **Notice of Proposed Rule Change**

Notice is hereby given by the Senator from the 26th District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the One-hundredth General Assembly, First Regular Session, that Senate Rules 6, 25, and 88, be

amended to read as follows:

“Rule 6. Upon the written request of the sponsor or floor handler of a bill, the committee on rules, joint rules, resolutions, and ethics may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee on rules, joint rules, resolutions, and ethics with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report. Except as otherwise provided for in this paragraph, only the regular appropriation bills, including the deficiency and the omnibus bills, bills providing for legislative or congressional redistricting, bills producing more than three million dollars in additional state revenue, bills implementing amendments to the Missouri Constitution which were adopted at the immediately preceding state primary or general election, and bills requiring passage in order that the state receive funds from the federal government for the institution, continuance or expansion of federal-state programs, may be called up or considered out of the order in which the bill appears on the formal calendar of the senate.

All bills reported to the senate floor by the Committee on [Governmental Accountability and] Fiscal Oversight shall be placed on the appropriate formal calendar in a position, as near as may be, to that position which the bill would have had absent referral to the Committee on [Governmental Accountability and] Fiscal Oversight.

Rule 25. The president pro tem of the senate shall appoint the following standing committees:

1. Committee on Administration, 5 members.
2. Committee on Agriculture, Food Production and Outdoor Resources, 8 members.
3. Committee on Appropriations, [11] **13** members.
4. Committee on Commerce, Consumer Protection, Energy and the Environment, 11 members.
5. Committee on Economic Development, 11 members.
6. Committee on Education, 9 members.
7. Committee on Fiscal Oversight, 7 members.
8. Committee on General Laws, 7 members.
9. Committee on Government Reform, 7 members.
10. Committee on Gubernatorial Appointments, 11 members.
11. Committee on Health and Pensions, 7 members.
12. Committee on Insurance and Banking, 7 members.
13. Committee on the Judiciary and Civil and Criminal Jurisprudence, 7 members.
14. Committee on Local Government and Elections, 7 members.
15. Committee on Professional Registration, 7 members.
16. Committee on Progress and Development, [4] **5** members.
17. Committee on Rules, Joint Rules, Resolutions and Ethics, 7 members.
18. Committee on Seniors, Families and Children, 7 members.
19. Committee on Small Business and Industry, 8 members.
20. Committee on Transportation, Infrastructure and Public Safety, 7 members.
21. Committee on Veterans and Military Affairs, 7 members.
22. Committee on Ways and Means, [7] **8** members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.

Rule 88. After a motion is stated by the chair, it is deemed to be in possession of the senate, but may be withdrawn at any time [before a decision or amendment, but afterwards only with the consent of the senate] **by the sponsor or handler before a vote on said motion.”**

Senator Holsman offered the following resolution:

#### SENATE RESOLUTION NO. 20

#### Notice of Proposed Rule Change

Notice is hereby given by the Senator from the 7th District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the One-hundredth General Assembly, First Regular Session, that Senate Rule 29, be amended to read as follows:

Rule 29. 1. Senate offices [and], seats in the senate chamber, **and parking spaces designated for senators in the east basement of the capitol** shall be assigned [by the committee on administration to the majority and minority caucuses. Each caucus shall make office and senate seat assignments on the basis of seniority as defined in this rule, unless otherwise determined within a caucus] **on the basis of seniority**, except that Rooms 326 and 327 shall be known as the president pro tem's office and shall be occupied by the senate's president pro tem. Upon retirement from service as pro tem, that senator shall vacate the pro tem's office and shall have first choice of available vacant offices [of his caucus], regardless of his seniority status. Except for the outgoing president pro tem, who is required to vacate the designated pro tem's office, no senator shall be required to relinquish any office or seat once assigned to him.

2. Seniority shall be determined [by each caucus] on the basis of length of service, **with members of the majority party being senior to members of the minority party having the same length of service**. Length of service means:

- (a) Continuous senate service;
- (b) In the case of equal continuous senate service, prior non-continuous senate service;
- (c) In the case of equal continuous and prior non-continuous senate service, prior house service.

3. When two or more members of the same party have the same length of service, their respective seniority shall be determined by their party caucus.

## INTRODUCTION OF GUESTS

Senator Schupp introduced to the Senate, her husband, Mark, Creve Coeur; Gary Hollingsworth, Lynn and Liz Deane, Farilyn Hale, Marc Levinson, Mary Neal, Taylor Paquette, Mark and Marsha Schankman, Michael and Rebecca Schofield, Dan Schwent, Joy Seltzer, Bill and Randy Weiss, Bob Green and Will Bolden, St. Louis County.

Senator May introduced to the Senate, members of her family: Parrie L. May, Henry L. May, Brandon I. Jones, Archie Wayne, Rosalyn Winston, Dianne Lampkin, Jeanneene Cooley, Jerome Cooley, Maria Cooley, Gregory May, Annette Smits, Annie Billups, Timothy Sawyer, Renee Lawson, Taiwana Jackson, and Shannicia Wilbourn, St. Louis.

Senator Riddle introduced to the Senate, Rosemary Augustine, New Bloomfield; and Carol Robertson, Fulton.

Senator Onder introduced to the Senate, his wife, Allison; his children, Bobby, Michael and Elizabeth; and his mother-in-law, Sharon Kovac, Lake St. Louis.

Senator Burlison introduced to the Senate, his wife, Angie, and his daughters, Reese and Aubrey, Battlefield; his parents, Danny and Linda Burlison, Springfield; Duane and Carol Hamilton, Republic; his brother, Nick Burlison, and Coby Cullings, Springfield.

Senator Schatz introduced to the Senate, Jack Cunio, and his son, Chuck; Carmen Bartolotta; and Ed Tune, Sullivan; and Don Kappelman, Washington.

Senator Hegeman introduced to the Senate, his wife, Fran; and his sons, Joshua and Joseph, Cosby; and Breanna Volgelsmeier, Concordia.

Senator Cierpiot introduced to the Senate, his wife, Connie, Lee's Summit; his brother and his wife, Gerry and Sue Cierpiot, Smithville; Cindy Bell, Grain Valley; Nola Wood, Kansas City; and Mary Hill, Liberty.

Senator Crawford introduced to the Senate, her husband, John, Buffalo; her sister, Dr. Tama Franklin, Springfield; former State Representative Sue Entlicher, Polk County; and former State Senator Morris Westfall, Halfway.

Senator Williams introduced to the Senate, his mother and her husband, Carole and Elmore Jackson;

his grandparents, Willistine and Herbert Williams; his sister, Jennifer Swingler, his aunt and uncle, Tracy Williams and David Martin; Lindsay Schuessler; Richard and Dawn Schuessler and their son, Noah; his aunt, Hazel Bracely; his cousin, Ann Wailes; Shirley Johnson; Terry Crow and Jeff Hales, St. Louis; and his cousins, Chris and Felicia Robinson, Chicago.

Senator White introduced to the Senate, his wife, Dr. Ellen Nichols; his children, Jera and Jesse; and his daughter and her husband, Brandyn and Eric Lessman; LeAnne and Berry Smith; Cathy and Clint Loy; Doug Joyce; Nolene Spence; Tammy, Scott, Hannah and Hailey Crane; Patty Nixon; Cary and Gabbie Caylor; Kay and Ray Schell; Chris Yandas; Rita Peabody; and Shelley Manard, Joplin; and Maria Hopper, Springfield.

Senator Brown introduced to the Senate, his parents, former state Senator Dan Brown, and his wife, Kathy; his wife, Laura, and his children, Triston, Brody and Kennedy; his sister and her family, Danette, Brad, Maya and Rio Sherrell; Mark and Dana Havens; Hannah Strain; Brader Tiddy; and Mackenzie Portell, Rolla; Charles Bassett, Dixon; Sherry Heavin, Edgar Springs; and Clark Harris, St. James.

Senator Bernskoetter introduced to the Senate, his wife, Jeannette, and his sons, Brian, Kyle and Luke; his parents, Charlie and Millie Bernskoetter; his brother and his daughter, Jim and Kelsi Bernskoetter; his sister and her husband, Jeanne and Doug Westhues; his aunt and uncle, Norma and Charlie Bexten; his daughter, Krista Castrop, Jefferson City; and his brother, Bill Bernskoetter, St. Louis.

Senator Bernskoetter introduced to the Senate, Choir Director Jana Fox; and Deena Tesfaye, Grace Millard, Martina Lorang, Brianna Bax, Amy Cook, Nicole Dowd, Joe Kliethermes, Richie Jurgovan, Steven Houser, and Alex Oesterly, members of the Helias Catholic High School Choir, Jefferson City.

Senator Luetkemeyer introduced to the Senate, his wife, Lucinda, Parkville; his parents, Terry and Denise Luetkemeyer; his sister and her daughter, Katy and Maddie Lane; and his sister and her son, Angela and Emry Clauser, Farmington; his father and mother-in-law John and Robin Housley, Nixa; and Tony Luetkemeyer, Eldon.

Senator Hough introduced to the Senate, his parents, Dr. David Hough and Linda Hough; his sons, William and Samuel; his sister and her husband, Olivia Hough Walker and Ron Walker, and their children, Maxwell and Madison; Jeff and Cora Scott; and Chris Coulter, Springfield.

Senator Libla introduced to the Senate, his wife, Elaine; Herman Styles, Poplar Bluff; Pastor Jamie Jones and Darion Jones, Caruthersville; Samuel Rinehart, Steele; and Billy Yates and Nadia Cole, Branson.

Senator Cunningham introduced to the Senate, his wife, Nikki, Rogersville; Joyce Savage, and her granddaughter, Cassandra, Conway; and Joe Chadwell, Norwood.

Senator Cunningham introduced to the Senate, the Physician of the Day, Dr. Brian Biggers, and his son, Grayson, Springfield.

Senator O'Laughlin introduced to the Senate, her husband, Russell, Shelbina; her son and his wife, Brian and Shyla Terry; and her sister, Jane Thompson Macon; her son and his wife, Casey and Amy O'Laughlin, Florida; and her sons, Andy and Alex O'Laughlin.

Senator Rowden introduced to the Senate, Fire Chief Scott Olsen, Assistant Fire Chief Gale Blomenkamp, David Hanks, Josh Creamer, Steve Dunkin, Danny Mueller and Andrew Worrall, members of the Color Guard, Boone County Fire Protection District, Columbia.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

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SECOND DAY—THURSDAY, JANUARY 10, 2019

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Curls	SB 31-Wieland
SB 2-Curls	SB 32-Wieland
SB 3-Curls	SB 33-Wieland
SB 4-Sater	SB 34-Riddle
SB 5-Sater, et al	SB 35-Riddle
SB 6-Sater	SB 36-Riddle
SB 7-Emery	SB 37-Onder
SB 8-Emery	SB 38-Onder
SB 9-Emery	SB 39-Onder
SB 10-Cunningham	SB 40-Schupp
SB 11-Cunningham	SB 41-Schupp
SB 12-Cunningham	SB 42-Schupp
SB 14-Wallingford	SB 43-Hoskins
SB 15-Wallingford	SB 44-Hoskins
SB 16-Romine	SB 45-Hoskins
SB 17-Romine	SB 46-Koenig
SB 18-Romine	SB 48-Koenig
SB 19-Libla	SB 49-Rowden
SB 20-Libla	SB 50-Eigel
SB 21-Libla	SB 51-Eigel
SB 22-Nasheed	SB 52-Eigel
SB 23-Nasheed	SB 53-Crawford
SB 24-Nasheed	SB 54-Crawford
SB 25-Sifton	SB 55-Crawford
SB 26-Sifton	SB 56-Cierpiot
SB 27-Sifton	SB 57-Cierpiot
SB 28-Hegeman	SB 58-Cierpiot
SB 29-Hegeman	SB 59-Arthur
SB 30-Hegeman	SB 60-Arthur



SB 61-Arthur	SB 105-Schupp
SB 62-Burlison	SB 106-Hoskins
SB 63-Burlison	SB 107-Hoskins
SB 64-Burlison	SB 108-Koenig
SB 65-White	SB 109-Koenig
SB 66-White	SB 110-Koenig
SB 67-White	SB 111-Eigel
SB 68-Hough	SB 112-Eigel
SB 69-Hough	SB 113-Eigel
SB 70-Hough	SB 114-Crawford
SB 71-Brown	SB 115-Crawford
SB 72-O'Laughlin	SB 116-Cierpiot
SB 73-O'Laughlin and Emery	SB 117-Cierpiot
SB 74-May	SB 118-Cierpiot
SB 75-Curls	SB 119-Arthur
SB 76-Sater	SB 120-Burlison
SB 77-Sater	SB 121-Burlison
SB 78-Sater	SB 122-Burlison
SB 79-Emery	SB 123-White
SB 80-Emery	SB 124-Hough
SB 81-Emery	SB 125-Hough
SB 82-Cunningham	SB 126-Hough
SB 83-Cunningham	SB 127-Sater
SB 84-Cunningham	SB 128-Sater
SB 85-Wallingford	SB 129-Sater
SB 86-Wallingford	SB 130-Emery
SB 87-Wallingford	SB 131-Emery
SB 88-Libla	SB 132-Emery
SB 89-Libla	SB 133-Cunningham
SB 90-Libla	SB 134-Wallingford
SB 91-Nahseed	SB 135-Sifton
SB 92-Nasheed	SB 136-Sifton
SB 93-Sifton	SB 137-Sifton
SB 94-Sifton	SB 138-Riddle
SB 95-Sifton	SB 139-Koenig
SB 96-Hegeman	SB 140-Koenig
SB 97-Hegeman	SB 141-Koenig
SB 98-Wieland	SB 142-Eigel
SB 99-Wieland	SB 143-Cierpiot
SB 100-Riddle	SB 144-Burlison
SB 101-Riddle	SB 145-Burlison
SB 102-Riddle	SB 146-Burlison
SB 103-Schupp	SB 147-Sater
SB 104-Schupp	SB 148-Sifton

SB 149-Koenig	SB 194-Hoskins
SB 150-Koenig	SB 195-Hoskins
SB 151-Koenig	SB 196-Bernskoetter
SB 152-Holsman	SB 197-Onder
SB 153-Sifton	SB 198-Onder
SB 154-Luetkemeyer	SB 199-Arthur
SB 155-Luetkemeyer	SB 200-Hough
SB 156-Wallingford	SB 201-Romine
SB 157-Wallingford	SB 202-Romine
SB 158-Eigel	SB 203-Nasheed
SB 159-Sifton	SB 204-Riddle
SB 160-Koenig	SB 205-Arthur
SB 161-Cunningham	SB 206-Arthur
SB 162-Schupp	SB 207-Emery
SB 163-Schupp	SB 208-Wallingford
SB 164-Schupp	SB 209-May
SB 165-Eigel	SB 210-May
SB 166-Crawford	SB 211-Wallingford
SB 167-Crawford	SB 212-Sifton
SB 168-Wallingford	SB 213-Hegeman
SB 169-Wallingford	SB 214-Onder
SB 170-Schupp	SB 215-Schupp
SB 171-Schupp	SB 216-Schupp
SB 172-Schupp	SB 217-Schupp
SB 173-Crawford	SB 218-Hoskins
SB 174-Crawford	SB 219-Hoskins
SB 175-Crawford	SB 220-Hoskins
SB 176-Hough	SB 221-Crawford
SB 177-Hough	SB 222-Hough
SB 178-Schupp	SB 223-Brown
SB 179-Cunningham	SB 224-Luetkemeyer
SB 180-Wallingford	SB 225-Curls
SB 182-Cierpiot	SB 226-Sater
SB 183-Arthur	SB 227-Sater
SB 184-Wallingford	SB 228-Sater
SB 185-Wallingford	SB 229-Crawford
SB 186-Hegeman	SB 230-Crawford
SB 187-Eigel	SB 231-Hough
SB 188-Eigel	SB 232-Sater
SB 189-Crawford	SB 233-Sater
SB 190-Onder	SJR 1-Sater and Onder
SB 191-Schupp	SJR 2-Emery
SB 192-Schupp	SJR 3-Hegeman
SB 193-Schupp	SJR 4-Eigel

SJR 5-Eigel  
SJR 6-Eigel  
SJR 7-Cierpiot  
SJR 8-Cierpiot  
SJR 9-Cierpiot  
SJR 10-Burlison

SJR 11-Burlison  
SJR 12-Eigel  
SJR 13-Holsman  
SJR 14-Luetkemeyer  
SJR 15-Holsman

## INFORMAL CALENDAR

### RESOLUTIONS

SR 19-Schatz  
SR 20-Holsman

HCR 2-Vescovo (Rowden)  
HCR 3-Vescovo (Rowden)

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# Journal of the Senate

## FIRST REGULAR SESSION

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### SECOND DAY—THURSDAY, JANUARY 10, 2019

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“My soul will be satisfied as with the richest of foods: with singing lips my mouth will praise you.” (Psalm 63:5)

Heavenly Father as we finish this shortened week and take time to return to loved ones may we share the joy we have experienced and the delight to invest in this new session. May we be mindful of the gifts You have provided us and be willing to express our thanks and praise for they come from Your gracious hand to be shared with others. Bless us and watch “our going out and coming in this day.” In Your Holy Name we pray. Amen

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The Senate observed a moment of silence in memory of Brenda “Becky” Boyd.

The Senate observed a moment of silence for Gerald “Jerry” Beberman.

The following Senators were present during the day’s proceedings:

#### Present—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Burlison—1

Vacancies—None

The Lieutenant Governor was present.

### RESOLUTIONS

Senator Cunningham offered Senate Resolution No. 21, regarding Carl and Karen Grabher, Seymore, which was adopted.

Senator Sifton offered Senate Resolution No. 22, regarding Dolores White, St. Louis, which was adopted.

Senator Rizzo offered Senate Resolution No. 23, regarding Carl John “Red” Privitera, Kansas City, which was adopted.

Senator Rizzo offered Senate Resolution No. 24, regarding Steven Michael Pankau, Chillicothe, which was adopted.

Senator Arthur offered Senate Resolution No. 25, regarding Eagle Scout R.J. Hill, Kansas City, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 26, regarding Lynn Armour, Jefferson City, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 27, regarding Vicki Engelbrecht, Eugene, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 28, regarding Karan Hatcher, Jefferson City, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 29, regarding Gail Nilges, Jefferson City, which was adopted.

Senator Sater offered Senate Resolution No. 30, regarding William Henry “Billy” Meyer Jr. and Gretchen DeWayne Miller Meyer, Aurora, which was adopted.

Senator Sater offered Senate Resolution No. 31, regarding Wedgewood Gardens Assisted Living, Branson West, which was adopted.

Senator Sater offered Senate Resolution No. 32, regarding City of Cassville, which was adopted.

Senator Schupp offered Senate Resolution No. 33, regarding Eagle Scout Tyler J. Wright, Maryland Heights, which was adopted.

Senator Cunningham offered Senate Resolution No. 34, regarding Warren Bland, Doniphan, which was adopted.

Senator Cierpiot offered Senate Resolution No. 35, regarding Greenwood Police Chief Greg Hallgrimson, which was adopted.

Senator Cierpiot offered Senate Resolution No. 36, regarding Corporal Thomas Calhoun, which was adopted.

Senator White offered Senate Resolution No. 37, regarding Susan Wendleton, Carthage, which was adopted.

Senator Schatz moved that **SR 19** be taken up for adoption, which motion prevailed.

Senator Schatz moved that **SR 19** be adopted.

Senator Wallingford assumed the Chair.

President Kehoe assumed the Chair.

Senator Schatz offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 19, as it appears on Page 52 of the Senate Journal for Wednesday, January 9, 2019, Lines 41-42 of said journal page, by striking said lines and inserting in lieu thereof the following: “.”.

Senator Schatz moved that the above amendment be adopted, which motion prevailed.

Senator Schatz moved that **SR 19**, as amended, be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Eigel	Emery
Hegeman	Hough	Koenig	Libla	Luetkemeyer	May	O’Laughlin
Riddle	Rizzo	Rowden	Schatz	Schupp	Walsh	White
Wieland	Williams—23					

#### NAYS—Senators

Cunningham	Onder	Romine	Wallingford—4
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#### Absent—Senators

Curls	Hoskins	Nasheed	Sater	Sifton—5
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#### Absent with leave—Senators

Burlison	Holsman—2
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#### Vacancies—None

### CONCURRENT RESOLUTIONS

Senator Walsh offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 1

Whereas, the Missouri Constitution outlines a process for the residents of St. Louis City and St. Louis County to vote on their governmental structure through the establishment of a Board of Freeholders by petition or appointment by the County Executive, Mayor of St. Louis, and Governor of Missouri; and

Whereas, some Missourians may seek a statewide vote on a constitutional amendment to bypass the voters of St. Louis City and St. Louis County; and

Whereas, a statewide vote on such an important matter of local government structure would set a precedent that could lead to subsequent statewide votes mandating the consolidation of counties, school districts, and other political subdivisions throughout Missouri, against the wishes of voters in those political subdivisions; and

Whereas, in 1962, the voters of Missouri overwhelmingly rejected, by a vote of 74% to 26%, a constitutional amendment to merge the governments of St. Louis and St. Louis County; and

Whereas, the appropriate way for those wishing to change the structure of St. Louis City and County government is to convince the voters of St. Louis City and County of the benefits of such changes, not to convince voters elsewhere in Missouri; and

Whereas, the St. Louis County Council, which governs the largest county in the state of Missouri with nearly one million residents, and the Board of Aldermen of the City of St. Louis, which governs the second-largest city in the state of Missouri with over 315,000 residents, should have a major voice in all discussions of St. Louis regional governance; and

Whereas, the governing bodies of all municipalities in St. Louis County should also have significant involvement in any such discussions to advance the best interests of their residents; and

Whereas, the St. Louis County Council and 57 of the 89 municipalities in St. Louis County have passed resolutions opposing a statewide vote on a constitutional amendment to change the structure of St. Louis City and County government:

Now Therefore Be It Resolved that the members of the Missouri Senate, One-Hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby oppose any statewide vote or legislative mandate on governmental reorganization regarding the City of St. Louis and St. Louis County and the municipalities therein; and

Be It Further Resolved that the General Assembly does not take a position on whether St. Louis City and St. Louis County should consolidate or should otherwise change their government structure; and

Be It Further Resolved that the General Assembly supports the people of St. Louis City and St. Louis County having a productive discussion about the reorganization and/or consolidation of their governments and improving their regional governance however they best see fit.

Senator Hegeman offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 2

Relating to the replacement of a statue in the Statuary Hall of the Capitol of the United States.

Whereas, 40 U.S.C. Section 187 permits a state to ask the Joint Committee on the Library of Congress for replacement of a statue it provided for display in the National Statuary Hall in the Capitol of the United States after the passage of the required display time period specified in 40 U.S.C. Section 187a; and

Whereas, that request must be made by a resolution adopted by the legislature of the state and approved by the Governor; and

Whereas, in 1895, the Missouri General Assembly authorized placement of statues of Thomas Hart Benton and Francis Preston Blair in Statuary Hall, which statues were placed there in 1899; and

Whereas, Thomas Hart Benton was a five-term United States Senator from Missouri and was an architect and champion of westward expansion by the United States; and

Whereas, Harry S Truman was the most important statesman Missouri ever gave the nation, an outstanding county official, United States Senator, Vice President and President of the United States who brought the Second World War to completion, led the free world at the beginning of the Cold War, and stood for fairness and opportunity for all Americans:

Now Therefore Be It Resolved by the members of the Missouri Senate, One-hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby request approval from the Joint Committee on the Library of Congress to replace the statue of Thomas Hart Benton with a statue of Harry S Truman as one of the two statues Missouri is entitled to display in the Statuary Hall of the United States Capitol; and

Be It Further Resolved that the Missouri General Assembly requests the Statue of Thomas Hart Benton be returned to the State of Missouri as permitted under 40 U.S.C. Section 187a(d); and

Be It Further Resolved that Secretary of the Senate be instructed to send copies of this resolution for the Joint Committee on the Library of Congress in care of the chair of the committee and to each member of the Missouri Congressional delegation; and

Be It Further Resolved that the Secretary of the Senate be instructed to send a properly inscribed copy of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

#### INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 234**—By White.

An Act to repeal section 302.720, RSMo, and to enact in lieu thereof two new sections relating to commercial driver's licenses.

**SB 235**—By White.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to hearing aids.

**SB 236**—By White.

An Act to repeal section 544.193, RSMo, and to enact in lieu thereof one new section relating to body cavity searches.

**SB 237**—By White.

An Act to repeal sections 217.785, 559.036, and 559.115, RSMo, and to enact in lieu thereof two new sections relating to postconviction treatment programs.

**INTRODUCTIONS OF GUESTS**

Senator Holsman introduced to the Senate, his son, Grant; and the Physician of the Day, Dr. Michael O'Dell, M.D., Kansas City.

The President introduced to the Senate, former State Senator Charlie Shields, St. Joseph.

Senator Schupp introduced to the Senate, Helen and Walt Casteel, St. Louis.

On motion of Senator Rowden, the Senate adjourned until 4:00 p.m., Monday, January 14, 2019.

**SENATE CALENDAR**

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**THIRD DAY—MONDAY, JANUARY 14, 2019**

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**FORMAL CALENDAR**

**SECOND READING OF SENATE BILLS**

SB 1-Curls	SB 17-Romine
SB 2-Curls	SB 18-Romine
SB 3-Curls	SB 19-Libla
SB 4-Sater	SB 20-Libla
SB 5-Sater, et al	SB 21-Libla
SB 6-Sater	SB 22-Nasheed
SB 7-Emery	SB 23-Nasheed
SB 8-Emery	SB 24-Nasheed
SB 9-Emery	SB 25-Sifton
SB 10-Cunningham	SB 26-Sifton
SB 11-Cunningham	SB 27-Sifton
SB 12-Cunningham	SB 28-Hegeman
SB 14-Wallingford	SB 29-Hegeman
SB 15-Wallingford	SB 30-Hegeman
SB 16-Romine	SB 31-Wieland



SB 32-Wieland	SB 75-Curls
SB 33-Wieland	SB 76-Sater
SB 34-Riddle	SB 77-Sater
SB 35-Riddle	SB 78-Sater
SB 36-Riddle	SB 79-Emery
SB 37-Onder	SB 80-Emery
SB 38-Onder	SB 81-Emery
SB 39-Onder	SB 82-Cunningham
SB 40-Schupp	SB 83-Cunningham
SB 41-Schupp	SB 84-Cunningham
SB 42-Schupp	SB 85-Wallingford
SB 43-Hoskins	SB 86-Wallingford
SB 44-Hoskins	SB 87-Wallingford
SB 45-Hoskins	SB 88-Libla
SB 46-Koenig	SB 89-Libla
SB 48-Koenig	SB 90-Libla
SB 49-Rowden	SB 91-Nasheed
SB 50-Eigel	SB 92-Nasheed
SB 51-Eigel	SB 93-Sifton
SB 52-Eigel	SB 94-Sifton
SB 53-Crawford	SB 95-Sifton
SB 54-Crawford	SB 96-Hegeman
SB 55-Crawford	SB 97-Hegeman
SB 56-Cierpiot	SB 98-Wieland
SB 57-Cierpiot	SB 99-Wieland
SB 58-Cierpiot	SB 100-Riddle
SB 59-Arthur	SB 101-Riddle
SB 60-Arthur	SB 102-Riddle
SB 61-Arthur	SB 103-Schupp
SB 62-Burlison	SB 104-Schupp
SB 63-Burlison	SB 105-Schupp
SB 64-Burlison	SB 106-Hoskins
SB 65-White	SB 107-Hoskins
SB 66-White	SB 108-Koenig
SB 67-White	SB 109-Koenig
SB 68-Hough	SB 110-Koenig
SB 69-Hough	SB 111-Eigel
SB 70-Hough	SB 112-Eigel
SB 71-Brown	SB 113-Eigel
SB 72-O'Laughlin	SB 114-Crawford
SB 73-O'Laughlin and Emery	SB 115-Crawford
SB 74-May	SB 116-Cierpiot

SB 117-Cierpiot	SB 159-Sifton
SB 118-Cierpiot	SB 160-Koenig
SB 119-Arthur	SB 161-Cunningham
SB 120-Burlison	SB 162-Schupp
SB 121-Burlison	SB 163-Schupp
SB 122-Burlison	SB 164-Schupp
SB 123-White	SB 165-Eigel
SB 124-Hough	SB 166-Crawford
SB 125-Hough	SB 167-Crawford
SB 126-Hough	SB 168-Wallingford
SB 127-Sater	SB 169-Wallingford
SB 128-Sater	SB 170-Schupp
SB 129-Sater	SB 171-Schupp
SB 130-Emery	SB 172-Schupp
SB 131-Emery	SB 173-Crawford
SB 132-Emery	SB 174-Crawford
SB 133-Cunningham	SB 175-Crawford
SB 134-Wallingford	SB 176-Hough
SB 135-Sifton	SB 177-Hough
SB 136-Sifton	SB 178-Schupp
SB 137-Sifton	SB 179-Cunningham
SB 138-Riddle	SB 180-Wallingford
SB 139-Koenig	SB 182-Cierpiot
SB 140-Koenig	SB 183-Arthur
SB 141-Koenig	SB 184-Wallingford
SB 142-Eigel	SB 185-Wallingford
SB 143-Cierpiot	SB 186-Hegeman
SB 144-Burlison	SB 187-Eigel
SB 145-Burlison	SB 188-Eigel
SB 146-Burlison	SB 189-Crawford
SB 147-Sater	SB 190-Onder
SB 148-Sifton	SB 191-Schupp
SB 149-Koenig	SB 192-Schupp
SB 150-Koenig	SB 193-Schupp
SB 151-Koenig	SB 194-Hoskins
SB 152-Holsman	SB 195-Hoskins
SB 153-Sifton	SB 196-Bernskoetter
SB 154-Luetkemeyer	SB 197-Onder
SB 155-Luetkemeyer	SB 198-Onder
SB 156-Wallingford	SB 199-Arthur
SB 157-Wallingford	SB 200-Hough
SB 158-Eigel	SB 201-Romine

SB 202-Romine	SB 228-Sater
SB 203-Nasheed	SB 229-Crawford
SB 204-Riddle	SB 230-Crawford
SB 205-Arthur	SB 231-Hough
SB 206-Arthur	SB 232-Sater
SB 207-Emery	SB 233-Sater
SB 208-Wallingford	SB 234-White
SB 209-May	SB 235-White
SB 210-May	SB 236-White
SB 211-Wallingford	SB 237-White
SB 212-Sifton	SJR 1-Sater and Onder
SB 213-Hegeman	SJR 2-Emery
SB 214-Onder	SJR 3-Hegeman
SB 215-Schupp	SJR 4-Eigel
SB 216-Schupp	SJR 5-Eigel
SB 217-Schupp	SJR 6-Eigel
SB 218-Hoskins	SJR 7-Cierpiot
SB 219-Hoskins	SJR 8-Cierpiot
SB 220-Hoskins	SJR 9-Cierpiot
SB 221-Crawford	SJR 10-Burlison
SB 222-Hough	SJR 11-Burlison
SB 223-Brown	SJR 12-Eigel
SB 224-Luetkemeyer	SJR 13-Holsman
SB 225-Curls	SJR 14-Luetkemeyer
SB 226-Sater	SJR 15-Holsman
SB 227-Sater	

## INFORMAL CALENDAR

### RESOLUTIONS

SR 20-Holsman	HCR 3-Vescovo (Rowden)
HCR 2-Vescovo (Rowden)	

### To be Referred

SCR 1-Walsh	SCR 2-Hegeman
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# Journal of the Senate

## FIRST REGULAR SESSION

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### THIRD DAY—MONDAY, JANUARY 14, 2019

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“Unless the Lord builds the house; those who build labor in vain.” (Psalm 127:1a)

All mighty God: We give You thanks for our safe travel this day and we return here to begin our work in earnest but do so knowing that with You our work will truly be done as You would have us begin this new year. So send Your holy spirit to guide our thoughts and actions as we discern the bills that are put forth and our actions as You desire. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 10, 2019 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Sifton offered Senate Resolution No. 38, regarding Jake Baretich, Affton, which was adopted.

Senator Sifton offered Senate Resolution No. 39, regarding Merx Flooring, which was adopted.

Senator Sifton offered Senate Resolution No. 40, regarding Lutheran High School South, which was adopted.

Senator Sifton offered Senate Resolution No. 41, regarding Gotsch Intermediate School, Affton School District, which was adopted.

Senator Sifton offered Senate Resolution No. 42, regarding Adele Chehval, Imperial, which was adopted.

Senator Sifton offered Senate Resolution No. 43, regarding Laura Thomas, Imperial, which was adopted.

Senator Sifton offered Senate Resolution No. 44, regarding Catherine Pozzo, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 45, regarding Assistant Fire Chief Ben Waser, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 46, regarding Leslie Howard “Les” Eyman II, Fenton, which was adopted.

Senator Sifton offered Senate Resolution No. 47, regarding Dawn Martin, St. Louis, which was adopted.

Senator Onder offered Senate Resolution No. 48, regarding Denise Gould, O’Fallon, which was adopted.

### **CONCURRENT RESOLUTIONS**

Senator Emery offered the following concurrent resolution:

#### **SENATE CONCURRENT RESOLUTION NO. 3**

Whereas, pornography perpetuates a sexually toxic environment; and

Whereas, efforts to prevent pornography exposure and addiction, to educate individuals and families concerning its harms, and to develop recovery programs should be addressed systematically in ways that hold broader influences accountable; and

Whereas, pornography may contribute to the hypersexualization of teenagers, and even prepubescent children, in our society; and

Whereas, owing to advances in technology and the universal availability of the internet, young children can be exposed to what used to be referred to as hardcore, but is now considered mainstream, pornography at an alarming rate; and

Whereas, the average age of exposure to pornography is now 11 to 12 years of age;

Whereas, this early exposure can lead to low self-esteem and body image disorders, an increase in problematic sexual activity at younger ages, and an increased desire among adolescents to engage in risky sexual behavior; and

Whereas, exposure to pornography may serve as children’s and youth’s sex education and may shape their sexual templates; and

Whereas, pornography may normalize violence and abuse; and

Whereas, pornography often depicts rape and abuse as if such acts are harmless; and

Whereas, pornography equates violence with sex and pain with pleasure, which increases the demand for sex trafficking, prostitution, images of child sexual abuse, and child pornography; and

Whereas, use of pornography can potentially negatively affect brain development and functioning, contribute to emotional and medical illnesses, shape deviant sexual arousal, and lead to difficulty in forming or maintaining intimate relationships as well as problematic or harmful sexual behaviors and addiction; and

Whereas, use of pornography, by either partner, is linked to an increased likelihood that individuals will engage in group intercourse; and

Whereas, recent research indicates that pornography is potentially biologically addictive, which means the user requires more novelty,

often in the form of more shocking material, in order to be satisfied; and

Whereas, this biological addiction may lead to increasing themes of risky sexual behaviors, extreme degradation, violence, child sexual abuse, and child pornography; and

Whereas, pornography use is linked to lessening desire to marry, dissatisfaction in marriage, and infidelity; and

Whereas, this link demonstrates that pornography has a detrimental effect on the family unit:

Now, Therefore, Be It Resolved that the members of the Missouri Senate, One-hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby recognize pornography as leading to individual and societal harms and recognize the need for education, prevention, research, and policy change at the community and societal level.

Senator Rowden moved that **HCR 2** be taken up for adoption, which motion prevailed.

On motion of Senator Rowden, **HCR 2** was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Rowden moved that **HCR 3** be taken up for adoption, which motion prevailed.

On motion of Senator Rowden, **HCR 3** was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

## COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following escort committee pursuant to **HCR 2**: Senators

Arthur, Crawford, Curls, Emery, Sater, Schatz, Schupp, Wallingford, Walsh and Williams.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 238**—By Emery.

An Act to repeal section 288.040, RSMo, and to enact in lieu thereof one new section relating to eligibility for unemployment benefits.

**SB 239**—By White.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to the exemption of political subdivisions from any requirement regarding prevailing hourly rates of wages on public works projects.

**SB 240**—By White.

An Act to amend chapter 290, RSMo, by adding thereto two new sections relating to labor organizations, with penalty provisions.

**SB 241**—By Rizzo.

An Act to repeal section 67.641, RSMo, and to enact in lieu thereof one new section relating to certain convention and sports complex funds.

**SB 242**—By Walsh.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

**SB 243**—By Walsh.

An Act to amend chapter 367, RSMo, by adding thereto one new section relating to the hold orders for personal property received by pawnbrokers.

**SB 244**—By Walsh.

An Act to repeal section 589.414, RSMo, and to enact in lieu thereof one new section relating to registration as a sex offender for certain offenses.

**SB 245**—By Walsh.

An Act to amend chapter 701, RSMo, by adding thereto one new section relating to lead testing in certain elementary school buildings.

**SB 246**—By Hough.

An Act to repeal section 385.015, RSMo, and to enact in lieu thereof one new section relating to insurance written in connection with credit transactions.

**SB 247**—By Hough.

An Act to repeal sections 334.702, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, 334.717, 334.719, 334.721, and 334.725, RSMo, and to enact in lieu thereof twelve new sections relating to athletic

trainers, with penalty provisions.

**SB 248**—By Brown.

An Act to repeal sections 287.610 and 287.615, RSMo, and to enact in lieu thereof two new sections relating to workers' compensation.

**SB 249**—By Koenig.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to alternative services for disabilities.

**SB 250**—By Koenig.

An Act to repeal section 443.320, RSMo, and to enact in lieu thereof one new section relating to the publication of electronic notice of the sale of real property.

**SB 251**—By Koenig.

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to professional registration.

### **CONCURRENT RESOLUTIONS**

Senators Curls, Rizzo, Arthur, Holsman and Cierpiot offered the following concurrent resolution:

#### **SENATE CONCURRENT RESOLUTION NO. 4**

Relating to the designation of the Kansas City Chiefs as the official professional football team of the state of Missouri.

Whereas, the Kansas City Chiefs are Missouri's professional National Football League team; and

Whereas, Lamar Hunt was instrumental in the creation of the Kansas City Chiefs when he brought the franchise to Kansas City from Dallas, Texas in 1963, when the team was known as the Dallas Texans; and

Whereas, a fan contest determined the name "Chiefs" in honor of the nickname of Mayor Harold Roe Bartle, who persuaded Hunt to bring the team to Kansas City; and

Whereas, the Chiefs initially were a franchise in the American Football League, prior to its merger with the National Football League; and

Whereas; before merging with the National Football League, the Chiefs were the most successful team in AFL during the 1960s; and

Whereas, that success led to the Kansas City Chiefs being a part of the first Super Bowl, and the winning team in Super Bowl IV against the Minnesota Vikings; and

Whereas, over the years, the Kansas City Chiefs have had many successful seasons and many all-pro players; and

Whereas, the team and its players have been an important part of the city and state:

Now Therefore Be It Resolved by the members of the Missouri Senate, One-hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby designate the Kansas City Chiefs as the official professional football team of the state of Missouri; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to send a properly inscribed copy of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

### **REFERRALS**

President Pro Tem Schatz referred **SCR 1** to the Committee on Rules, Joint Rules, Resolutions and Ethics.



## SECOND READING OF CONCURRENT RESOLUTIONS

The following concurrent resolution was read the 2nd time and referred to the Committee indicated:

**SCR 2**—Rules, Joint Rules, Resolutions and Ethics

### CONCURRENT RESOLUTIONS

Senator Wallingford offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 5

Whereas, the Joint Committee on Solid Waste Management District Operations was originally established pursuant to Senate Concurrent Resolution 17 during the Second Regular Session of the Ninety-seventh General Assembly; and

Whereas, Senate Concurrent Resolution 17 established the Joint Committee on Solid Waste Management District Operations to examine solid waste management district operations, including but not limited to efficiency, efficacy, and reasonableness of costs and expenses of such districts to Missouri taxpayers; and

Whereas, the Joint Committee on Solid Waste Management District Operations heard testimony from individuals, business owners, and various interested parties during September and December 2014; and

Whereas, after review and consideration of the testimony presented, the Joint Committee on Solid Waste Management District Operations considered multiple legislative proposals relating to solid waste; and

Whereas, the Joint Committee on Solid Waste Management District Operations held a public hearing on December 3, 2014 to receive comments on a draft Senate bill relating to solid waste; and

Whereas, the draft Senate bill was discussed and received support from multiple stakeholders, and such draft bill was filed by Senator Wallingford as Senate Bill 152 during the Ninety-eighth General Assembly, First Regular Session; and

Whereas, the provisions of Senate Bill 152 were truly agreed to and finally passed in Senate Bill 445 sponsored by Senator Romine during the Ninety-eighth General Assembly, First Regular Session; and

Whereas, the Joint Committee on Solid Waste Management District Operations dissolved on December 31, 2014, but had further hearings to conduct and additional legislative alternatives to research, and was reauthorized by the General Assembly by Senate Concurrent Resolution 3 during the Ninety-eighth General Assembly, First Regular Session; and

Whereas, the Joint Committee on Solid Waste Management District Operations dissolved on December 31, 2016, but has further hearings to conduct relating to the implementation of the provisions of Senate Bill 445, as well as additional legislative alternatives relating to solid waste management district operations to research:

Now Therefore Be It Resolved that the members of the Missouri Senate, One-hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby establish the “Joint Committee on Solid Waste Management District Operations” to examine solid waste management district operations, including but not limited to efficiency, efficacy, and reasonableness of costs and expenses of such districts to Missouri taxpayers, and the implementation of the provisions of Senate Bill 445; and

Be It Further Resolved that the Joint Committee on Solid Waste Management District Operations shall be composed of five members of the Senate, with no more than three members of one party, and five members of the House of Representatives, with no more than three members of one party. The Senate members of the Joint Committee shall be appointed by the President Pro Tempore of the Senate and the House members by the Speaker of the House of Representatives. The Joint Committee shall select either a chairperson or co-chairpersons, one of whom shall be a member of the Senate and one a member of the House of Representatives. A majority of the members shall constitute a quorum. Meetings of the Joint Committee may be called at such time and place as the chairperson or chairpersons designate; and

Be It Further Resolved that the Joint Committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations. The Joint Committee may make reasonable requests for staff assistance from the research and appropriations staffs of the House and Senate, as well as the Department of Natural Resources and representatives of solid waste management districts; and

Be It Further Resolved that the Joint Committee may prepare a final report, together with its recommendations for any legislative action deemed necessary, for submission to the General Assembly by December 31, 2019, at which time the Joint Committee shall be dissolved; and

Be It Further Resolved that members of the Joint Committee and any staff personnel assigned to the Joint Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Joint Committee; and

Be It Further Resolved that the actual expenses of the Joint Committee, its members, and any staff assigned to the Joint Committee incurred by the Joint Committee shall be paid by the Joint Contingent Fund.

## **INTRODUCTIONS OF GUESTS**

Senator Eigel introduced to the Senate, Shelly Parks, St. Charles.

On motion of Senator Rowden, the Senate adjourned under the rules.

## **SENATE CALENDAR**

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## **FOURTH DAY—TUESDAY, JANUARY 15, 2019**

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## **FORMAL CALENDAR**

## **SECOND READING OF SENATE BILLS**

SB 1-Curls and Nasheed	SB 29-Hegeman
SB 2-Curls	SB 30-Hegeman
SB 3-Curls	SB 31-Wieland
SB 4-Sater	SB 32-Wieland
SB 5-Sater, et al	SB 33-Wieland
SB 6-Sater	SB 34-Riddle
SB 7-Emery	SB 35-Riddle
SB 8-Emery	SB 36-Riddle
SB 9-Emery	SB 37-Onder
SB 10-Cunningham	SB 38-Onder
SB 11-Cunningham	SB 39-Onder
SB 12-Cunningham	SB 40-Schupp
SB 14-Wallingford	SB 41-Schupp
SB 15-Wallingford	SB 42-Schupp
SB 16-Romine	SB 43-Hoskins
SB 17-Romine	SB 44-Hoskins
SB 18-Romine	SB 45-Hoskins
SB 19-Libla	SB 46-Koenig
SB 20-Libla	SB 48-Koenig
SB 21-Libla	SB 49-Rowden
SB 22-Nasheed	SB 50-Eigel
SB 23-Nasheed	SB 51-Eigel
SB 24-Nasheed	SB 52-Eigel
SB 25-Sifton	SB 53-Crawford
SB 26-Sifton	SB 54-Crawford
SB 27-Sifton	SB 55-Crawford
SB 28-Hegeman	SB 56-Cierpiot

SB 57-Cierpiot	SB 97-Hegeman
SB 58-Cierpiot	SB 98-Wieland
SB 59-Arthur	SB 99-Wieland
SB 60-Arthur	SB 100-Riddle
SB 61-Arthur	SB 101-Riddle
SB 62-Burlison	SB 102-Riddle
SB 63-Burlison	SB 103-Schupp
SB 64-Burlison	SB 104-Schupp
SB 65-White	SB 105-Schupp
SB 66-White	SB 106-Hoskins
SB 67-White	SB 107-Hoskins
SB 68-Hough	SB 108-Koenig
SB 69-Hough	SB 109-Koenig
SB 70-Hough	SB 110-Koenig
SB 71-Brown	SB 111-Eigel
SB 72-O'Laughlin	SB 112-Eigel
SB 73-O'Laughlin and Emery	SB 113-Eigel
SB 74-May	SB 114-Crawford
SB 75-Curls	SB 115-Crawford
SB 76-Sater	SB 116-Cierpiot
SB 77-Sater	SB 117-Cierpiot
SB 78-Sater	SB 118-Cierpiot
SB 79-Emery	SB 119-Arthur
SB 80-Emery	SB 120-Burlison
SB 81-Emery	SB 121-Burlison
SB 82-Cunningham	SB 122-Burlison
SB 83-Cunningham	SB 123-White
SB 84-Cunningham	SB 124-Hough
SB 85-Wallingford	SB 125-Hough
SB 86-Wallingford	SB 126-Hough
SB 87-Wallingford	SB 127-Sater
SB 88-Libla	SB 128-Sater
SB 89-Libla	SB 129-Sater
SB 90-Libla	SB 130-Emery
SB 91-Nasheed	SB 131-Emery
SB 92-Nasheed	SB 132-Emery
SB 93-Sifton	SB 133-Cunningham
SB 94-Sifton	SB 134-Wallingford
SB 95-Sifton	SB 135-Sifton
SB 96-Hegeman	SB 136-Sifton

SB 137-Sifton	SB 177-Hough
SB 138-Riddle	SB 178-Schupp
SB 139-Koenig	SB 179-Cunningham
SB 140-Koenig	SB 180-Wallingford
SB 141-Koenig	SB 182-Cierpiot
SB 142-Eigel	SB 183-Arthur
SB 143-Cierpiot	SB 184-Wallingford
SB 144-Burlison	SB 185-Wallingford
SB 145-Burlison	SB 186-Hegeman
SB 146-Burlison	SB 187-Eigel
SB 147-Sater	SB 188-Eigel
SB 148-Sifton	SB 189-Crawford
SB 149-Koenig	SB 190-Onder
SB 150-Koenig	SB 191-Schupp
SB 151-Koenig	SB 192-Schupp
SB 152-Holsman	SB 193-Schupp
SB 153-Sifton	SB 194-Hoskins
SB 154-Luetkemeyer	SB 195-Hoskins
SB 155-Luetkemeyer	SB 196-Bernskoetter
SB 156-Wallingford	SB 197-Onder
SB 157-Wallingford	SB 198-Onder
SB 158-Eigel	SB 199-Arthur
SB 159-Sifton	SB 200-Hough
SB 160-Koenig	SB 201-Romine
SB 161-Cunningham	SB 202-Romine
SB 162-Schupp	SB 203-Nasheed
SB 163-Schupp	SB 204-Riddle
SB 164-Schupp	SB 205-Arthur
SB 165-Eigel	SB 206-Arthur
SB 166-Crawford	SB 207-Emery
SB 167-Crawford	SB 208-Wallingford
SB 168-Wallingford	SB 209-May
SB 169-Wallingford	SB 210-May
SB 170-Schupp	SB 211-Wallingford
SB 171-Schupp	SB 212-Sifton
SB 172-Schupp	SB 213-Hegeman
SB 173-Crawford	SB 214-Onder
SB 174-Crawford	SB 215-Schupp
SB 175-Crawford	SB 216-Schupp
SB 176-Hough	SB 217-Schupp

SB 218-Hoskins	SB 243-Walsh
SB 219-Hoskins	SB 244-Walsh
SB 220-Hoskins	SB 245-Walsh
SB 221-Crawford	SB 246-Hough
SB 222-Hough	SB 247-Hough
SB 223-Brown	SB 248-Brown
SB 224-Luetkemeyer	SB 249-Koenig
SB 225-Curls	SB 250-Koenig
SB 226-Sater	SB 251-Koenig
SB 227-Sater	SJR 1-Sater and Onder
SB 228-Sater	SJR 2-Emery
SB 229-Crawford	SJR 3-Hegeman
SB 230-Crawford	SJR 4-Eigel
SB 231-Hough	SJR 5-Eigel
SB 232-Sater	SJR 6-Eigel
SB 233-Sater	SJR 7-Cierpiot
SB 234-White	SJR 8-Cierpiot
SB 235-White	SJR 9-Cierpiot
SB 236-White	SJR 10-Burlison
SB 237-White	SJR 11-Burlison
SB 238-Emery	SJR 12-Eigel
SB 239-White	SJR 13-Holsman
SB 240-White	SJR 14-Luetkemeyer
SB 241-Rizzo	SJR 15-Holsman
SB 242-Walsh	

## INFORMAL CALENDAR

### RESOLUTIONS

SR 20-Holsman

To be Referred

SCR 3-Emery  
SCR 4-Curls, et al

SCR 5-Wallingford

# Journal of the Senate

## FIRST REGULAR SESSION

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### FOURTH DAY—TUESDAY, JANUARY 15, 2019

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“Throughout the ages men have been stirred by the realization that the eternal God is available to them and that nothing, literally nothing, can overwhelm or destroy a man when he lives this faith.” (Edward Elson)

Heavenly Father we pray that You will give us the grace to have faith to trust You and learn of You as we discern Your word and seek to do Your will. Provide us the wisdom we need to know what is required of us and to lead those who look to us to provide laws that are most helpful and needed by our people. In Your Holy Name we pray. Amen

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Burlison—1

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Sifton offered Senate Resolution No. 49, regarding Wireless Lifestyle Sprint, Affton, which was adopted.

Senator Riddle offered Senate Resolution No. 50, regarding Karen Baysinger, which was adopted.

### **INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were read the 1st time and ordered printed:

**SB 252**—By Wieland.

An Act to amend chapter 375, RSMo, by adding thereto three new sections relating to insurance litigation.

**SB 253**—By Sater.

An Act to repeal section 338.140, RSMo, and to enact in lieu thereof one new section relating to board of pharmacy compliance agreements.

**SB 254**—By Bernskoetter.

An Act to repeal sections 304.585 and 304.894, RSMo, and to enact in lieu thereof two new sections relating to accidents occurring in work or emergency zones, with penalty provisions.

**SB 255**—By Bernskoetter.

An Act to amend chapter 620, RSMo, by adding thereto two new sections relating to historic buildings.

**SB 256**—By Hegeman.

An Act to amend chapter 116, RSMo, by adding thereto one new section relating to the petition process for amending the law, with an emergency clause.

**SB 257**—By Hoskins.

An Act to repeal section 34.040, RSMo, and to enact in lieu thereof one new section relating to authorizing the commissioner of administration to conduct reverse auctions.

**SB 258**—By Wallingford.

An Act to repeal sections 214.276, 256.477, 317.015, 324.086, 324.217, 324.496, 324.523, 324.1112, 328.150, 329.140, 337.330, 337.525, 337.630, 337.730, 339.532, 346.105, and 436.230, RSMo, and to enact in lieu thereof eighteen new sections relating to professional registration.

**SJR 16**—By Sifton.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri relating to the process by which laws are approved by the general assembly following action by the people.

### **REFERRALS**

President Pro Tem Schatz referred **SCR 3** and **SCR 5** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **SECOND READING OF CONCURRENT RESOLUTIONS**

The following concurrent resolution was read the 2nd time and referred to the Committee indicated:

**SCR 4**—Rules, Joint Rules, Resolutions and Ethics.

**INTRODUCTIONS OF GUESTS**

Senator Eigel introduced to the Senate, Shelly Parks and her husband, Michael, St. Charles.

Senator Sater introduced to the Senate, the Physician of the Day, Dr. Thomas Huffman, Kimberling City.

On motion of Senator Rowden, the Senate adjourned under the rules.

**SENATE CALENDAR**

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**FIFTH DAY—WEDNESDAY, JANUARY 16, 2019**

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**FORMAL CALENDAR**

**SECOND READING OF SENATE BILLS**

SB 1-Curls and Nasheed	SB 24-Nasheed
SB 2-Curls	SB 25-Sifton
SB 3-Curls	SB 26-Sifton
SB 4-Sater	SB 27-Sifton
SB 5-Sater, et al	SB 28-Hegeman
SB 6-Sater	SB 29-Hegeman
SB 7-Emery	SB 30-Hegeman
SB 8-Emery	SB 31-Wieland
SB 9-Emery	SB 32-Wieland
SB 10-Cunningham	SB 33-Wieland
SB 11-Cunningham	SB 34-Riddle
SB 12-Cunningham	SB 35-Riddle
SB 14-Wallingford	SB 36-Riddle
SB 15-Wallingford	SB 37-Onder
SB 16-Romine	SB 38-Onder
SB 17-Romine	SB 39-Onder
SB 18-Romine	SB 40-Schupp
SB 19-Libla	SB 41-Schupp
SB 20-Libla	SB 42-Schupp
SB 21-Libla	SB 43-Hoskins
SB 22-Nasheed	SB 44-Hoskins
SB 23-Nasheed	SB 45-Hoskins



SB 46-Koenig	SB 87-Wallingford
SB 48-Koenig	SB 88-Libla
SB 49-Rowden	SB 89-Libla
SB 50-Eigel	SB 90-Libla
SB 51-Eigel	SB 91-Nasheed
SB 52-Eigel	SB 92-Nasheed
SB 53-Crawford	SB 93-Sifton
SB 54-Crawford	SB 94-Sifton
SB 55-Crawford	SB 95-Sifton
SB 56-Cierpiot	SB 96-Hegeman
SB 57-Cierpiot	SB 97-Hegeman
SB 58-Cierpiot	SB 98-Wieland
SB 59-Arthur	SB 99-Wieland
SB 60-Arthur	SB 100-Riddle
SB 61-Arthur	SB 101-Riddle
SB 62-Burlison	SB 102-Riddle
SB 63-Burlison	SB 103-Schupp
SB 64-Burlison	SB 104-Schupp
SB 65-White	SB 105-Schupp
SB 66-White	SB 106-Hoskins
SB 67-White	SB 107-Hoskins
SB 68-Hough	SB 108-Koenig
SB 69-Hough	SB 109-Koenig
SB 70-Hough	SB 110-Koenig
SB 71-Brown	SB 111-Eigel
SB 72-O'Laughlin	SB 112-Eigel
SB 73-O'Laughlin and Emery	SB 113-Eigel
SB 74-May	SB 114-Crawford
SB 75-Curls	SB 115-Crawford
SB 76-Sater	SB 116-Cierpiot
SB 77-Sater	SB 117-Cierpiot
SB 78-Sater	SB 118-Cierpiot
SB 79-Emery	SB 119-Arthur
SB 80-Emery	SB 120-Burlison
SB 81-Emery	SB 121-Burlison
SB 82-Cunningham	SB 122-Burlison
SB 83-Cunningham	SB 123-White
SB 84-Cunningham	SB 124-Hough
SB 85-Wallingford	SB 125-Hough
SB 86-Wallingford	SB 126-Hough

SB 127-Sater	SB 167-Crawford
SB 128-Sater	SB 168-Wallingford
SB 129-Sater	SB 169-Wallingford
SB 130-Emery	SB 170-Schupp
SB 131-Emery	SB 171-Schupp
SB 132-Emery	SB 172-Schupp
SB 133-Cunningham	SB 173-Crawford
SB 134-Wallingford	SB 174-Crawford
SB 135-Sifton	SB 175-Crawford
SB 136-Sifton	SB 176-Hough
SB 137-Sifton	SB 177-Hough
SB 138-Riddle	SB 178-Schupp
SB 139-Koenig	SB 179-Cunningham
SB 140-Koenig	SB 180-Wallingford
SB 141-Koenig	SB 182-Cierpiot
SB 142-Eigel	SB 183-Arthur
SB 143-Cierpiot	SB 184-Wallingford
SB 144-Burlison	SB 185-Wallingford
SB 145-Burlison	SB 186-Hegeman
SB 146-Burlison	SB 187-Eigel
SB 147-Sater	SB 188-Eigel
SB 148-Sifton	SB 189-Crawford
SB 149-Koenig	SB 190-Onder
SB 150-Koenig	SB 191-Schupp
SB 151-Koenig	SB 192-Schupp
SB 152-Holsman	SB 193-Schupp
SB 153-Sifton	SB 194-Hoskins
SB 154-Luetkemeyer	SB 195-Hoskins
SB 155-Luetkemeyer	SB 196-Bernskoetter
SB 156-Wallingford	SB 197-Onder
SB 157-Wallingford	SB 198-Onder
SB 158-Eigel	SB 199-Arthur
SB 159-Sifton	SB 200-Hough
SB 160-Koenig	SB 201-Romine
SB 161-Cunningham	SB 202-Romine
SB 162-Schupp	SB 203-Nasheed
SB 163-Schupp	SB 204-Riddle
SB 164-Schupp	SB 205-Arthur
SB 165-Eigel	SB 206-Arthur
SB 166-Crawford	SB 207-Emery

SB 208-Wallingford	SB 242-Walsh
SB 209-May	SB 243-Walsh
SB 210-May	SB 244-Walsh
SB 211-Wallingford	SB 245-Walsh
SB 212-Sifton	SB 246-Hough
SB 213-Hegeman	SB 247-Hough
SB 214-Onder	SB 248-Brown
SB 215-Schupp	SB 249-Koenig
SB 216-Schupp	SB 250-Koenig
SB 217-Schupp	SB 251-Koenig
SB 218-Hoskins	SB 252-Wieland
SB 219-Hoskins	SB 253-Sater
SB 220-Hoskins	SB 254-Bernskoetter
SB 221-Crawford	SB 255-Bernskoetter
SB 222-Hough	SB 256-Hegeman
SB 223-Brown	SB 257-Hoskins
SB 224-Luetkemeyer	SB 258-Wallingford
SB 225-Curls	SJR 1-Sater and Onder
SB 226-Sater	SJR 2-Emery
SB 227-Sater	SJR 3-Hegeman
SB 228-Sater	SJR 4-Eigel
SB 229-Crawford	SJR 5-Eigel
SB 230-Crawford	SJR 6-Eigel
SB 231-Hough	SJR 7-Cierpiot
SB 232-Sater	SJR 8-Cierpiot
SB 233-Sater	SJR 9-Cierpiot
SB 234-White	SJR 10-Burlison
SB 235-White	SJR 11-Burlison
SB 236-White	SJR 12-Eigel
SB 237-White	SJR 13-Holsman
SB 238-Emery	SJR 14-Luetkemeyer
SB 239-White	SJR 15-Holsman
SB 240-White	SJR 16-Sifton
SB 241-Rizzo	

## INFORMAL CALENDAR

## RESOLUTIONS

SR 20-Holsman

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# Journal of the Senate

FIRST REGULAR SESSION

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**FIFTH DAY—WEDNESDAY, JANUARY 16, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“I wish to preach, not the doctrine of ignoble ease, but the doctrine of the strenuous life.” (Theodore Roosevelt 1899)

Gracious God, we may never know the number of times people have failed to provide the victories You have laid out before us simply because we fail to put forth the extra time and effort that was needed. We pray that You will grant us the strength to not quit when we are discouraged but to push forward to bring forth the victories that You require of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Rowden announced photographers from KSN KODE-TV and KSNF TV-16 were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Burlison—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Nasheed offered Senate Resolution No. 51, regarding Sidney Keys III, which was adopted.

Senators Brown, Romine and Bernskoetter offered Senate Resolution No. 52, regarding the Fiftieth Anniversary of Meramec Regional Planning Commission, which was adopted.

Senator Riddle offered Senate Resolution No. 53, regarding Cheri Winchester, which was adopted.

Senator Riddle offered Senate Resolution No. 54, regarding Casey Hopkins, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 55, regarding J.L. Robertson, which was adopted.

Senator Sifton offered Senate Resolution No. 56, regarding Michael A. Butz, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 57, regarding Steve Spoljaric, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 58, regarding Affton Veterinary Clinic, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Schupp offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 6**

Whereas, extensive and credible reports have revealed mass killing of prisoners of conscience in the People's Republic of China, primarily practitioners of the spiritual based exercises of Falun Gong, but also other religious and ethnic minority groups, in order to obtain organs for transplants; and

Whereas, the organ transplantation system in China does not comply with the World Health Organization's Guiding Principles of traceability and transparency in organ procurement pathways, and the government of the People's Republic of China has resisted independent scrutiny of the system; and

Whereas, traditional Chinese custom requires bodies to be preserved intact after death. With rare voluntary organ donation, however, China's transplantation industry significantly increased since 2000; and

Whereas, the 2017 Freedom House Report "The Battle for China's Spirit" states that "Available evidence suggests that forced extraction of organs from Falun Gong detainees for sale in transplant operations has occurred on a large scale and may be continuing"; and

Whereas, an investigative report, published in June 2016, conducted by human rights attorney David Matas, former Canadian Secretary of State for Asia-Pacific David Kilgour, and journalist Ethan Gutmann, estimated that China is performing 60,000 to 100,000 transplants per year as opposed to 10,000 transplants claimed by the Chinese government, which is "an industrial-scale, state-directed organ transplantation system, controlled through national policies and funding, and implicating both the military and civilian healthcare systems"; and

Whereas, China's Liver Transplant Registry System indicated that more than 25% of cases were emergency transplants, for which an organ was found within days or even hours. Wait times for non-emergency liver transplants were usually quoted in weeks. Most patients in other countries have to wait years for a transplant; and

Whereas, the Chinese government claims that 90% of China's organ transplant sources come from executed prisoners. However, the number of executions has dropped 10% annually since 2002 and is far less than the number of transplants taking place. The government has never acknowledged the sourcing of organs from prisoners of conscience; and

Whereas, Falun Gong, a spiritual practice involving meditative "qigong" exercises and centered on the values of truthfulness, compassion, and forbearance, became immensely popular in China in the 1990s, with multiple estimates placing the number of practitioners at upwards of 70 million; and

Whereas, in July 1999, the Chinese Communist Party launched an intensive, nationwide persecution designed to eradicate the spiritual practice of Falun Gong, including physical and mental torture, reflecting the party's long-standing intolerance of large independent civil society groups; and

Whereas, since 1999, hundreds of thousands of Falun Gong practitioners have been detained extra-legally in Chinese reeducation-through-labor camps, detention centers, and prisons, where torture, abuse, and implausible medical exams and blood tests on Falun Gong practitioners

are routine; and

Whereas, Freedom House reported in 2015 that Falun Gong practitioners comprise the largest portion of prisoners of conscience in China, and face an elevated risk of dying or being killed in custody; and

Whereas, the United Nations Committee Against Torture and the Special Rapporteur on Torture have expressed concern over the allegations of organ harvesting from Falun Gong prisoners, and have called on the Government of the People's Republic of China to increase accountability and transparency in the organ transplant system and punish those responsible for abuses; and

Whereas, in June 2016, the U.S. House of Representatives unanimously passed House Resolution 343, condemning the systematic, state-sanctioned organ harvesting from Falun Gong and other prisoners of conscience; and

Whereas, the killing of religious or political prisoners for the purpose of selling their organs for transplant is an egregious and intolerable violation of the fundamental right to live; and

Whereas, organ tourism to China should not be shielded by medical confidentiality, but openly monitored. No nation should allow their citizens to go to China for organs until China has allowed a full investigation into organ harvesting of prisoners of conscience, both past and present:

Now Therefore Be It Resolved that the members of the Missouri Senate, One-Hundredth General Assembly, First Regular Session, the House of Representatives concurring therein:

(1) Call upon the Government of the People's Republic of China to immediately end the practice of organ harvesting from all prisoners and prisoners of conscience, and explicitly from Falun Gong prisoners of conscience and members of other religious and ethnic minority groups;

(2) Call upon the Government of the People's Republic of China to immediately end the 17-year persecution of the Falun Gong, and the immediate release of all Falun Gong practitioners and other prisoners of conscience;

(3) Call upon the President of the United States to undertake a full and transparent investigation by the United States Department of State into organ transplant practices in the People's Republic of China, and calls for the prosecution of those found to have engaged in such unethical practices;

(4) Encourage the medical community of Missouri to engage in educating colleagues and residents of Missouri about the risks of travel to China for organ transplants so as to help prevent Missouri residents from unwittingly becoming involved in murder in the form of forced organ harvesting from prisoners of conscience; and

(5) Agree to take measures to ban the entry of those who have participated in illegal removal of human tissues and organs, and seek prosecution of such individuals should they be found on the soil of Missouri; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President and Vice President of the United States, the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, the chair of the Senate Committee on Foreign Affairs, the chair of the House Committee on Foreign Relations, and each member of Missouri's Congressional delegation.

## **INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were read the 1st time and ordered printed:

**SB 259**—By Romine.

An Act to repeal section 537.110, RSMo, and to enact in lieu thereof twelve new sections relating to due process proceedings at institutions of higher education, with penalty provisions.

**SB 260**—By Onder.

An Act to repeal sections 143.011 and 143.022, RSMo, and to enact in lieu thereof two new sections relating to income taxes.

**SB 261**—By Nasheed.

An Act to repeal section 208.027, RSMo, and to enact in lieu thereof one new section relating to the use of medical marijuana by applicants and recipients of temporary assistance for needy families.

**SB 262**—By Sater.

An Act to repeal sections 195.060, 196.100, 221.111, 338.015, 338.055, and 338.056, RSMo, and to

enact in lieu thereof seven new sections relating to electronic prescriptions, with a penalty provision.

**SB 263**—By Schupp.

An Act to repeal section 208.151, RSMo, and to enact in lieu thereof two new sections relating to postpartum depression screening.

**SB 264**—By Crawford.

An Act to repeal section 620.010, RSMo, and to enact in lieu thereof two new sections relating to the state council on the arts.

**SB 265**—By Luetkemeyer.

An Act to repeal sections 172.030, 172.035, 172.040, and 172.060, RSMo, and to enact in lieu thereof four new sections relating to student curators.

**SB 266**—By Wieland.

An Act to amend chapter 34, RSMo, by adding thereto nine new sections relating to purchasing processes for innovative technology by the office of administration.

**SB 267**—By Wieland.

An Act to repeal section 376.427, RSMo, and to enact in lieu thereof one new section relating to direct payment of health care providers.

**SJR 17**—By Nasheed.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VI of the Constitution of Missouri, by adding thereto one new section relating to the consolidation of St. Louis City and St. Louis County.

Senator Onder requested unanimous consent of the Senate to withdraw **SB 214**, which request was granted.

## **CONCURRENT RESOLUTIONS**

Senator Schupp offered the following concurrent resolution:

### SENATE CONCURRENT RESOLUTION NO. 7

Relating to the ratification of the Equal Rights Amendment to the United States Constitution.

Whereas, three years after women won the right to vote, the Equal Rights Amendment to the United States Constitution, authored by Alice Paul, head of the National Women's Party, was introduced in Congress by Senator Curtis and Representative Anthony, both Republicans; and

Whereas, the Equal Rights Amendment to the United States Constitution passed the United States Senate and then the United States House of Representatives, and on March 22, 1972, the proposed Amendment to the United States Constitution was sent to the states for ratification; and

Whereas, the Equal Rights Amendment to the United States Constitution states:

“Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification.”; and

Whereas, Congress placed a deadline of June 30, 1982, on the ratification process and thirty-five states ratified the proposed Amendment before the deadline; and

Whereas, Congress may not have the constitutional authority to place a deadline on the ratification process; and

Whereas, Article V of the United States Constitution allows the General Assembly of the State of Missouri to ratify this proposed Amendment to the Constitution of the United States; and

Whereas, the General Assembly of the State of Missouri finds that the proposed Amendment is meaningful and needed as part of the United States Constitution and that the present political, social, and economic conditions are the same as or are even more demanding today than they were when the proposed Amendment was first submitted for adoption:

Now, Therefore, Be It Resolved that the members of the Missouri Senate, One Hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby ratify the Equal Rights Amendment to the United States Constitution; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Archivist of the United States, Washington, D.C.; Vice President of the United States; Speaker of the United States House of Representatives; and each member of the Missouri Congressional delegation with request that it be printed in the Congressional Record.

Read 1st time.

### **COMMITTEE APPOINTMENTS**

President Pro Tem Schatz submitted the following committee appointments, which were read:

#### **Agriculture, Food Production and Outdoor Resources**

Senator Bernskoetter – Chair

Senator Hoskins – Vice Chair

Senator Brown

Senator Crawford

Senator Libla

Senator Curls

Senator Holsman

Senator Rizzo

#### **Appropriations**

Senator Hegeman – Chair

Senator Hough – Vice Chair

Senator Brown

Senator Cunningham

Senator Eigel

Senator Hoskins

Senator Riddle

Senator Sater

Senator Wallingford

Senator Curls

Senator Holsman

Senator Nasheed

Senator Rizzo

#### **Commerce, Consumer Protection, Energy and the Environment**

Senator Wallingford – Chair

Senator Riddle – Vice Chair



Senator Cierpiot  
Senator Cunningham  
Senator Emery  
Senator Onder  
Senator Romine  
Senator White  
Senator Walsh  
Senator May  
Senator Williams

**Economic Development**

Senator Cierpiot – Chair  
Senator Cunningham – Vice Chair  
Senator Bernskoetter  
Senator Hegeman  
Senator Hoskins  
Senator Hough  
Senator Romine  
Senator Wieland  
Senator Schupp  
Senator Rizzo  
Senator Arthur

**Education**

Senator Romine – Chair  
Senator Wallingford – Vice Chair  
Senator Emery  
Senator Libla  
Senator Onder  
Senator O’Laughlin  
Senator Holsman  
Senator Schupp  
Senator Arthur

**Fiscal Oversight**

Senator Cunningham – Chair  
Senator Sater – Vice Chair  
Senator Crawford  
Senator Eigel

Senator Hough

Senator Nasheed

Senator Rizzo

**General Laws**

Senator Eigel – Chair

Senator Libla –Vice Chair

Senator Burlison

Senator Luetkemeyer

Senator White

Senator Rizzo

Senator Arthur

**Government Reform**

Senator Emery – Chair

Senator O’Laughlin – Vice Chair

Senator Brown

Senator Burlison

Senator Luetkemeyer

Senator May

Senator Williams

**Health and Pensions**

Senator Onder – Chair

Senator Koenig – Vice Chair

Senator Eigel

Senator Sater

Senator White

Senator Holsman

Senator Schupp

**Insurance and Banking**

Senator Wieland – Chair

Senator Cunningham – Vice Chair

Senator Burlison

Senator Crawford

Senator Hoskins

Senator Walsh

Senator Sifton

**Judiciary and Civil and Criminal Jurisprudence**

Senator Luetkemeyer – Chair

Senator Onder – Vice Chair

Senator Emery

Senator Koenig

Senator White

Senator Sifton

Senator May

### **Local Government and Elections**

Senator Crawford – Chair

Senator Sater – Vice Chair

Senator Hegeman

Senator Hough

Senator O’Laughlin

Senator Sifton

Senator Rizzo

### **Professional Registration**

Senator Riddle – Chair

Senator Burlison – Vice Chair

Senator Cunningham

Senator Sater

Senator Wieland

Senator Sifton

Senator Arthur

### **Progress and Development**

Senator Walsh – Chair

Senator Curls – Vice Chair

Senator Williams

Senator Burlison

Senator Crawford

### **Seniors, Families and Children**

Senator Sater – Chair

Senator O’Laughlin – Vice Chair

Senator Koenig

Senator Riddle

Senator Romine

Senator Schupp

Senator May

**Small Business and Industry**

Senator Hoskins – Chair

Senator Wieland – Vice Chair

Senator Bernskoetter

Senator Cierpiot

Senator Koenig

Senator Wallingford

Senator Arthur

Senator Williams

**Transportation, Infrastructure and Public Safety**

Senator Libla – Chair

Senator Romine – Vice Chair

Senator Brown

Senator Eigel

Senator O’Laughlin

Senator Curls

Senator Williams

**Veterans and Military Affairs**

Senator White - Chair

Senator Brown – Vice Chair

Senator Bernskoetter

Senator Hoskins

Senator Wallingford

Senator Walsh

Senator Schupp

**Ways and Means**

Senator Koenig – Chair

Senator Eigel – Vice Chair

Senator Cierpiot

Senator Hough

Senator Onder

Senator Wallingford

Senator Nasheed

Senator Arthur

**COMMUNICATIONS**

President Pro Tem Schatz submitted the following:

**SENATE HEARING SCHEDULE**  
**100th GENERAL ASSEMBLY**  
**FIRST REGULAR SESSION**  
**JANUARY 16, 2019**

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		<b>Government Reform</b> <b>SCR 1</b> <b>(Emery)</b>  <b>Ways and Means</b> <b>SL</b> <b>(Koenig)</b>  <b>Appropriations</b> <b>SCR 2</b> <b>(Hegeman)</b>	<b>Seniors, Families and Children</b> <b>SL</b> <b>(Sater)</b>  <b>Insurance &amp; Banking</b> <b>SCR 1</b> <b>(Wieland)</b>  <b>Appropriations</b> <b>SCR 2</b> <b>(Hegeman)</b>	<b>Transportation, Infrastructure and Public Safety</b> <b>SL</b> <b>(Libla)</b>  <b>Small Business &amp; Industry</b> <b>SCR 1</b> <b>(Hoskins)</b>  <b>Appropriations</b> <b>SCR 2</b> <b>(Hegeman)</b>
9:00 a.m.		<b>Rules, Joint Rules, Resolutions and Ethics</b> <b>SL</b> <b>(Rowden)</b>		<b>Fiscal Oversight</b> <b>Bingham Gallery</b> <b>(Cunningham)</b>
10:30 a.m.		<b>General Laws</b> <b>SL</b> <b>(Eigel)</b>  <b>Economic Development</b> <b>SCR 1</b> <b>(Cierpiot)</b>	<b>Gubernatorial Appointments</b> <b>SL</b> <b>(Schatz)</b>  <b>Health and Pensions</b> <b>SCR 1</b> <b>(Onder)</b>	
12:00 p.m.		<b>Veterans &amp; Military Affairs</b> <b>SCR 1</b> <b>(White )</b>  <b>Education</b> <b>SL</b> <b>(Romine)</b>	<b>Commerce, Consumer Protection, Energy and the Environment</b> <b>SL</b> <b>(Wallingford)</b>  <b>Local Government &amp; Elections</b> <b>SCR 1</b> <b>(Crawford)</b>	
1:00 p.m.		<b>Progress and Development</b> <b>SCR 1</b> <b>(Walsh)</b>		
2:00 p.m.	<b>Judiciary and Civil and Criminal Jurisprudence</b> <b>SCR 1</b> <b>(Luetkemeyer )</b>  <b>Professional Registration</b> <b>SL</b> <b>(Riddle)</b>  <b>Agriculture, Food Production and Outdoor Resources</b> <b>SCR 2</b> <b>(Bernskoetter)</b>			

## MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following members to act with a like committee from the Senate pursuant to **HCR 2**. Representatives: Coleman, Pollock, Grier, Hovis, Sharpe, Razer, Green, Barnes, Proudie, Carter.

On motion of Senator Rowden, the Senate recessed until 2:45 p.m.

## RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

On motion of Senator Rowden, the Senate repaired to the House of Representatives to receive the State of the State Address from His Excellency, Governor Michael L. Parson.

## JOINT SESSION

The Joint Session was called to order by President Kehoe.

The Color Guard from the Missouri State Highway Patrol, Troop F, presented the colors.

The Pledge of Allegiance to the Flag was recited.

On roll call the following Senators were present:

### Present—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls	Eigel
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla	Luetkemeyer
May	Nasheed	O’Laughlin	Onder	Riddle	Romine	Rowden	Sater
Schatz	Schupp	Sifton	Wallingford	Walsh	White	Wieland	Williams—32

### Absent—Senators—None

### Absent with leave—Senators

Burlison Rizzo—2

### Vacancies—None

The Lieutenant Governor was present.

On roll call the following Representatives were present:

### PRESENT: 160

Allred	Anderson	Andrews	Appelbaum	Bailey	Baker	Bangert	Baringer
Barnes	Basye	Beck	Billington	Black 7	Black 137	Bland	Manlove
Bondon	Bosley	Bromley	Brown 27	Brown 70	Burnett	Burns	Busick
Butz	Carpenter	Carter	Chappelle-Nadal	Chipman	Christofanelli	Clemens	Coleman 32
Coleman 97	Deaton	DeGroot	Dinkins	Dogan	Dohrman	Eggleston	Ellebracht
Ellington	Eslinger	Evans 99	Evans 154	Falkner III	Fishel	Fitzwater	Francis
Franks Jr.	Gannon	Green	Gregory	Grier	Griesheimer	Griffith	Haden

Haffner	Hannegan	Hansen	Helms	Henderson	Hicks	Hill	Houx
Hovis	Hudson	Hurst	Ingle	Justus	Kelley 127	Kelly 141	Kendrick
Kidd	Knight	Kolkmeier	Lavender	Lovasco	Love	Lynch	Mackey
Mayhew	McCreery	McGaugh	McGee	McGill	Merideth	Messenger	Miller
Mitten	Moon	Morgan	Morris 140	Morse 151	Mosley	Muntzel	Murphy
Neely	O'Donnell	Patterson	Pfautsch	Pierson Jr.	Pietzman	Pike	Plocher
Pogue	Pollitt 52	Pollock 123	Porter	Price	Proudie	Quade	Razer
Reedy	Rehder	Reisch	Remole	Richey	Riggs	Roberts 77	Roberts 161
Roden	Roeber	Rogers	Rone	Ross	Rowland	Runions	Ruth
Sain	Sauls	Schnelting	Schroer	Sharpe	Shaul 113	Shawan	Shields
Shull 16	Simmons	Smith	Solon	Sommer	Spencer	Stacy	Stephens 128
Stevens 46	Swan	Tate	Taylor	Trent	Unsicker	Veit	Vescovo
Walker	Walsh	Washington	Wiemann	Wilson	Windham	Wood	Wright
Mr. Speaker							

ABSENT: 2

Gray            McDaniel

VACANCIES: 1

The Joint Committee appointed to wait upon His Excellency, Governor Mike Parson, escorted the Governor to the dais where he delivered the State of the State Address to the Joint Assembly:

**2019 STATE OF THE STATE  
GOVERNOR MIKE PARSON**

Thank you Lieutenant Governor Kehoe ...

Speaker Haahr...

President Pro-Tem Schatz...

Judges of the Missouri Supreme Court ...

Distinguished state officials...

Members of the 100th General Assembly...AND my fellow Missourians.

I am honored and proud to stand before you this afternoon as the 57th Governor of the state of Missouri.

And, one of the highest honors I have as Governor is to introduce the First Lady of the State of Missouri Teresa Parson.

I am so proud of her and the grace she brings to her position as First Lady.

And...I look forward to the days when we have more time to spend with each other...our family...and our grandchildren... But, until that time, our dedication... will be to the people of the State of Missouri.

Months ago I came into office amid rare and unique circumstances, yet the focus from day one of my administration was putting the people of Missouri first... where they belong, ahead of partisan differences or personal gain.

We traveled to every corner of this great State...we listened... we heard...and...we learned.

I stand before you today to share a vision. A vision that will chart Missouri's future into the next decade. Missouri is dear to my heart, and by working together, we can protect and build a Missouri that is successful for the next generation.

The more we listened, the more it became clear that the people of Missouri are ready for bold solutions.

Even when times are good, Missourians still face many issues and have a frustration with government that often works to protect the status quo and is unwilling to take bold steps.

However, to move Missouri forward, we must take bold steps and tackle big issues.

I will commit to you that bold ideas and tough challenges will not be something we shy away from, but my administration is willing to work with this legislature in a disciplined and focused way... and together, we can achieve big results and lay a solid foundation for our state's future.

It's time to have an honest conversation about the challenges we face and the solutions we need.

The honest truth is that we have not been as efficient as we can be. We don't promote our state, our resources, and our people as best we should, and we have not prepared our state well enough for the future... and every Missourian deserves better.

Make no mistake about it, we have before us one of the greatest opportunities, by working together to improve Missouri and to be the BEST in the United States of America.

The longer we delay and avoid tough decisions, the bigger our problems become.

Many of us are willing to admit this, and I hope you can agree that we cannot afford to delay action any longer. I am asking for your help to move Missouri forward and deliver results... because after all ... we are the Show Me State.

What this means in practical terms is that we have to be honest about our priorities and united in our focus.

As elected officials, we are good at declaring priorities. While some of our priorities may not be the same... when we try to make EVERYTHING a priority, the fact is... nothing is truly a priority.

So let me be crystal clear, cultivating and training our workforce for high-demand jobs and investing in critical infrastructure are the priorities we must address this session.

As I have traveled the state, I know these are issues important to every single one of your districts – whether republican or democrat, urban or rural, we have good reason to work together to achieve real results for ALL Missourians.

By addressing these issues now, we will make major investments for the next generations of the state of Missouri.

There of course will be other issues that are important, like passing tax credit reform, working to make government more efficient and more accountable, protecting freedoms and promoting a culture of life, and passing regulatory and venue reform.

ALL of which must be done.

But our focus for the state of Missouri to thrive both now and into the future are on two key priorities ... - workforce development and infrastructure.

Let me tell you a story about a young man with us today...

Troy is an eighth grader from Eldon who has experienced some hardships in his life. Troy's struggles are NOT unlike many families across Missouri.

Quaker Windows is a Missouri based company that has developed a partnership with Eldon Schools to ensure students like Troy have a mentor all throughout high school...

And, to make sure that he not only receives a quality education and training, but he is also taught valuable life skills... like, the importance of showing up on time and having a strong work ethic.

Quaker Windows and Eldon Schools have a community partnership. This example should be a model of how we approach new efforts to train the next generation of workers.

Please welcome Troy who is with us here today...

We must consider making necessary changes to our education programs and update the training pipelines to ensure economic growth in Missouri.

Our true dedication should be to build and create wealth... NOT REDISTRIBUTE IT.

For example, Missouri's high school graduation rate is higher than most states. This is something we should ALL be proud of...however, we fall behind other states when we look at post-secondary education.

We are well into the 21st century... and yes, extra levels of education are needed to meet the demands of our workforce... and these jobs are going to provide higher wages, which will benefit Missouri families.

This is why my budget calls for a total investment of nearly \$75 million dollars into bold and innovative workforce development programs. Consider those programs that build off the many projects we already have in place like NGA West, Boeing's TX, Nucor Steel, and many others. When combined with our current economic development tools... ALL can be tremendously successful.

In today's world, a higher level of education should not simply mean getting college degrees. This is why I am advocating that we provide \$22 million dollars to fund a program known as Fast Track.

Fast Track will allow Missourians to receive advanced training in high-demand areas largely taught at our community colleges, technical schools, and colleges and universities. This will open the doors for Missourians to have opportunities to earn more money for their hard work.

Fast Track...will benefit tens of thousands of Missourians from every corner of the state.

But, to have a laser-like focus, we can't stop there.



We must ALSO start integrating EMPLOYER and industry-led input into the needs and demands of the workforce, like increasing Industry Recognized Credentials as part of our high school curriculum.

To further workforce development, this focus must also extend into the economic development tools we use as well.

As a result, we are going to consolidate, repurpose, and add flexibility to a series of incentives we currently offer into a more streamlined program called Missouri One Start.

That is why I am adding \$10 million dollars to the Missouri One Start program, to help place a greater emphasis on building out the workforce needs and for job creation projects, so companies who use them are forced to plant deeper roots here in Missouri and become longer and more substantial partners.

ALSO...we are providing \$16 million dollars for Missouri Excels... a program for Missouri Higher Education Institutions to develop and expand employer-driven education, training programs, and initiatives to increase career readiness.

Finally, when looking ahead, we know that we are up against the clock... competing with every other state across the country... but Missouri will be ready, with the right tools in the toolbox... We'll be ready to ensure our state will move forward in workforce development... and ALL Missourians will prosper!

Not only is workforce development going to be a priority... but to ensure future success, we also need to take a serious look at long term investments in Missouri's infrastructure.

When we talk about infrastructure, we can no longer just think about bricks and mortar, roads and bridges, but also the location in which people look to invest capital and operate the economy of the future.

One of those areas in Missouri is high-speed broadband access. We currently have about ten school districts and many rural communities that lack access to high speed broadband... and that is unacceptable.

Most recently, thanks to the President and our federal delegation ... Missouri secured \$255 million dollars for the expansion of broadband to connect our state.

With this exciting opportunity, it is also important we at the state provide funding to cover the gaps in delivering broadband.

That is why... my budget calls for an additional \$5 million dollars in broadband funding to close the gap that exists in federal funds, and truly give the highest impact for Missourians.

Another area of focus is to put a greater emphasis on our Missouri ports. Located in the heart of the country we are at the center of major opportunities, especially with the expansion of the Panama Canal.

Missouri's agriculture and manufacturing industries have no better route to global expansion than delivering our high quality products to the world through our waterways.

In addition to our rivers...Missouri has one of the largest highway systems in the country, and since we sit at the nexus of east and west, this system receives a great deal of strain.

Nonetheless, we maintain this system with one of the lowest levels of funding in the country.

Over the years, we have seen proposals go before the voters and fail, but this cannot... and... does not mean we are expected to do NOTHING.

This is why I am asking you to consider an infrastructure plan. While funded through our budget savings, it will give us the ability to begin immediate work on nearly 250 bridges across the state of Missouri... all in need of critical repair or replacement.

By doing so, we will be freeing up nearly \$350 million dollars in state and federal resources... allowing us to accelerate MoDOT's current list of state infrastructure projects.

ALSO, we will be adding a \$50 million dollar cost sharing program to assist our cities and counties to help address the most serious infrastructure needs in our local areas.

In fact, this raises the challenge for each of us to find even more creative ways to locate savings to make more substantial investments in our infrastructure without a tax increase to the people of Missouri.

These priorities did not come without some tough decisions, but as I said to you before...

If we are to deliver on meaningful priorities to the people of Missouri, tough decisions... must... be... made.

As many of you know, the Department of Corrections is faced with many challenges. AND, we will NOT shy away from these challenges.

As a former sheriff and law enforcement officer for over 22 years... I understand, firsthand, the importance of re-entry programs and alternative sentencing... We need to be more efficient in these programs so we truly offer... a second chance... AND...As Governor, I am NOT interested in building more prisons.

In fact, we've identified a plan to consolidate the operations at Crossroads and Western Missouri facilities in Cameron, Missouri.

This decision is largely driven by our dedication to find efficiencies wherever we can in state government... and this can be done while ensuring

safety... improving security... and delivering a MUCH needed pay raise.... ALL being done with no layoffs.

NOT only are we making tough decision within the Department of Corrections, but... our budget recommends another major change to reorganize and streamline the efforts of the departments of economic development and higher education... a plan which will make OUR government more efficient.

We have to start focusing more on the importance of OUTCOMES in state government and less on arguing over the inputs.

While this restructuring is important for the people of Missouri, I also want to be very clear that the problem is not our state workforce.

To the contrary, I have found overwhelmingly that we have a remarkable and dedicated state workforce.

But, we as elected leaders MUST do a better job clearly identifying expectations and priorities, communicating and managing responsibilities, and providing better training to promote our success.

Many of us in this chamber have programs in state government we think are important to our people, but as time goes by, Governors change... and legislators return home... and these programs grow with little oversight or accountability.

The result is an expanding bureaucracy which becomes less efficient for the people of Missouri.

Under my administration, we are going to fundamentally...

Restructure state government...

Demand greater efficiency and accountability...

AND improve our customer service to ALL Missourians.

I'll admit... this is going to take some time, but we are not going to put it off any longer... IT WILL START TODAY!

Just like families across Missouri... HAVING a responsible budget is important and a way of life.

For the first time in more than a decade, the Governor's budget does NOT plan to SPEND... EVERY... TAX ... DOLLAR.

We have a business smart budget that saves nearly \$120 million dollars to ensure we are prepared for any unexpected expenses.

Our budget also proposes a reduction of nearly 430 government positions... all while maintaining our conservative approach to managing and streamlining government services.

In fact, our administration recently completed the state's largest deregulation effort, eliminating nearly one out of every five state regulations.

And, each of the initiatives I have laid out would not be possible without the drive, commitment, and dedication of the Cabinet because we will not be able to achieve the type of common sense conservative reforms and restructuring Missouri needs without the remarkable talent and leadership in THIS administration.

Please join me in recognizing the entire Cabinet seated in the upper gallery...

It is important to understand that being a good leader is not about being the best, but rather about your ability to make those around you better.

Every day my staff and Cabinet are committed and focused to making all of us better, pushing one another to make MISSOURI a better place.

Just weeks after I took office quick decisions had to be made on over a hundred legislative items and the 28 billion dollar state budget had to be approved.

By working together, we were able to save millions of taxpayer dollars and implement the largest tax cut in Missouri's history.

After taking the oath of office this summer, Missouri faced some tough and difficult times.

We experienced one of the worst droughts Missouri had witnessed for many years.

I called the administration together, and we reviewed our options.

To no surprise, we learned that the typical state government response was a series of requests to the federal government for assistance. We believed that was simply unacceptable for the farmers and families of Missouri.

And instead of pushing paper... it was time for us to do more...

Through the teamwork between the Departments of Natural Resources, Agriculture, and Conservation... we put Missouri state government to work for its people and delivered meaningful relief by working together.

Again, several weeks later, we experienced tough times... when 17 individuals tragically lost their lives in the Branson incident...

It was through the efforts of both state and local officials, including nearly every state department... that Missouri was able to quickly respond, recover, and offer immediate assistance to those in dire need.

We had tough times when we lost three local law enforcement officers, and six others were shot in the line of duty.

Thankfully, by God's grace, three members of the Kansas City Police Department are with us this afternoon after being shot in the line of duty. Please welcome these officers Matt Williams, Brent Cartwright, and Michael De-Laney.

As a former sheriff, I understand what it's like to lose an officer in the line of duty, and we owe ALL these brave men and women a debt of gratitude for their dedication to public safety.

It's only a matter of time before we again face tough situations... but by faith and working together, we can ... and we will... move Missouri forward...

I was proud that we were able to come together during a special session to finish YOUR legislative priorities and pass meaningful reform to our drug courts and create opportunities for STEM education in our high schools.

These are the successes I am confident we will be able to expect this legislative session because I am also willing to acknowledge no one person or party has a monopoly on good ideas, but the best ideas are those that will serve... the people of Missouri.

A key part of our efforts to improve Missouri's workforce and infrastructure is improving our citizen's health and healthcare by developing better access to providers and hospitals.

Almost 40 percent of Missourians live in rural areas... and, we are committed to making sure they too have access to both preventive and emergency care.

In addition, we will be providing a substantial increase to help those facing the challenges of mental health, expand tele-medicine technology, fight the opioid crisis, and better serve those in need.

I'd also like to introduce another very special guest here this afternoon, my great niece Zoey... who is one of thousands living with the challenges of Autism.

The First Lady and I are deeply committed to doing all that we can to learn more about, to promote awareness, and to advance Autism research.

That is why we are advocating for \$1 million dollars to ensure families and parents have access to the right resources and are equipped to deal with the challenges that come with caring for a loved one with Autism.

Please welcome my great niece Zoey and her family to the chamber.

And, while my focus this legislative session will be on workforce development and infrastructure...

We have already started intense planning for next session... because we must also... curb Medicaid costs, which accounts for over 10 billion dollars of the state budget, and ...

That is the reason why I hired Director Todd Richardson... to lead this charge.

Safeguarding the integrity of the Missouri Medicaid program is vital to the state of Missouri... nearly one-third of Missouri's entire budget is devoted to the Medicaid program.

It must be run with the highest level of integrity to ensure every tax dollar is accounted for.

When I began this afternoon, I said it was time to have an honest conversation.

A big part of that conversation had to revolve around all of us recognizing we can do better, and as your Governor, I am committed to trying to get better every day myself.

I am willing to make the tough decisions that will put our state in a better position.

If we truly care about the next generation ... I am absolutely confident that by focusing on the major issues of workforce development and infrastructure... TOGETHER, we will have a successful legislative session... because, these are the issues that will benefit ALL Missourians.

In closing, I will leave you with a story about a young student that lives by these 10, 2-letter words:

"If it is to BE, it is up to ME."

"If it is to BE, it is up to ME."

These words have stayed with me after hearing his inspirational story. This young man had reached rock bottom and considered ending his life, but chose to overcome his obstacles and instead ... succeed in life.

When asked what motivated him, he mentioned those 10, 2 letter words ... "If it is to be, it is up to me."

Even as someone with my share of gray hair, I have to say that is wise advice.

If the American dream is to live on ...I challenge all of us to remember those 10, 2-letters words with one change...

"If it is to BE, it is up to US!"

"If it is to BE, it is up to US!"

It is an honor and privilege to be the 57th Governor of the State of Missouri.

God bless you; God bless the great state of Missouri, and God bless the United States of America.

On motion of Senator Rowden, the Joint Session was dissolved and the Senators returned to the

Chamber where they were called to order by President Kehoe.

### **RESOLUTIONS**

Senator Cunningham offered Senate Resolution No. 59, regarding Teresa Sopko, Fairdealing, which was adopted.

Senator Onder offered Senate Resolution No. 60, regarding Glenn A. Harrison, O'Fallon, which was adopted.

### **COMMUNICATIONS**

President Pro Tem Schatz submitted the following:

January 14, 2019

Ms. Adriane Crouse  
Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to RsMO 536.037, I am appointing Senator Bill White to replace former Senator Bob Dixon on the Joint Committee on Administrative Rules.

Please do not hesitate to contact my office if you have any questions.

Sincerely,

/s/ Dave Schatz

Dave Schatz

President Pro Tem

Also,

January 14, 2019

Ms. Adriane Crouse  
Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to RsMO 23.010, I am appointing Senators Mike Bernskoetter and Lincoln Hough to replace former Senators Bob Dixon and Brian Munzlinger on the Joint Committee on Legislative Research. I am also appointing Senator Dan Hegeman to fill the Senate Appropriations Chairman slot vacated by former Senator Dan Brown on the same committee.

Please do not hesitate to contact my office if you have any questions.

Sincerely,

/s/ Dave Schatz

Dave Schatz

President Pro Tem

Senator Walsh submitted the following:

January 15, 2019

Adriane Crouse – Secretary of the Senate  
State Capitol, Room 325  
Jefferson City, Missouri 65101

Dear Adriane:

Pursuant to Rule 12 of the Rules of the Missouri Senate, I hereby make the following committee appointments to committee slots assigned to

the minority caucus effective immediately:

**Administration:** Walsh, Curls

**Agriculture, Food Production and Outdoor Resources:** Curls, Holsman, Rizzo

**Appropriations:** Curls, Holsman, Nasheed, Rizzo

**Commerce, Consumer Protection and the Environment:** Walsh, May, Williams

**Education:** Holsman, Schupp, Arthur

**Economic Development:** Schupp, Rizzo, Arthur

**Fiscal Oversight:** Nasheed, Rizzo

**General Laws:** Rizzo, Arthur

**Government Reform:** May, Williams

**Gubernatorial Appointments:** Curls, Nasheed, Williams

**Health and Pensions:** Holsman, Schupp

**Insurance and Banking:** Walsh, Sifton

**Judiciary and Civil and Criminal Jurisprudence:** Sifton, May

**Local Government and Elections:** Sifton, Rizzo

**Professional Registration:** Sifton, Arthur

**Progress and Development:** Walsh, Curls, Williams

**Rules, Joint Rules, Resolutions and Ethics:** Holsman, May

**Seniors Families and Children:** Schupp, May

**Small Business and Industry:** Arthur, Williams

**Transportation, Infrastructure and Public Safety:** Curls, Williams

**Veterans and Military Affairs:** Walsh, Schupp

**Ways and Means:** Nasheed, Arthur

These appointments of minority caucus members will replace committee appointments reflected on page 7 of the Senate Journal of January 9, 2019.

Sincerely,

/s/ Gina Walsh

Gina Walsh

President Pro Tem Schatz submitted the following:

January 15, 2019

Ms. Adriane Crouse  
Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to RsMO 21.810, I am appointing Senator Andrew Koenig to fill the Senate vacancy on the Joint Committee on Tax Policy. Please do not hesitate to contact my office if you have any questions.

Sincerely,

/s/ Dave Schatz

Dave Schatz

President Pro Tem

Also,

January 15, 2019

Ms. Adriane Crouse  
Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to RsMO 292.602, I am appointing Senators Doug Libla and Jason Holsman to replace former Senators Bob Dixon and Brian Munzliner on the Missouri Emergency Response Commission.

Please do not hesitate to contact my office if you have any questions.

Sincerely,

/s/ Dave Schatz

Dave Schatz

President Pro Tem

Also,

January 15, 2019

Ms. Adriane Crouse

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to RsMO 21.795, I am appointing Senators Justin Brown, Cindy O’Laughlin, and Bill Eigel to replace myself and former Senators Bob Dixon and Brian Munzlinger on the Joint Committee on Transportation Oversight.

Please do not hesitate to contact my office if you have any questions.

Sincerely,

/s/ Dave Schatz

Dave Schatz

President Pro Tem

Also,

January 15, 2019

Ms. Adriane Crouse

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to RsMO 210.170, I am appointing Senator Jeanie Riddle to replace former Senator Bob Dixon on the Children’s Trust Fund Board.

Please do not hesitate to contact my office if you have any questions.

Sincerely,

/s/ Dave Schatz

Dave Schatz

President Pro Tem

Also,

January 15, 2019

Ms. Adriane Crouse

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to RsMO 21.771, I am appointing Senators Bill White and David Sater to replace former Senators Rob Schaaf and Bob Dixon on the Joint Committee on Child Abuse and Neglect.

Please do not hesitate to contact my office if you have any questions.

Sincerely,

/s/ Dave Schatz

Dave Schatz

President Pro Tem

Also,

January 15, 2019

Ms. Adriane Crouse  
Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to RsMO 173.700, I am reappointing Senator Gary Romine to the Midwestern Higher Education Commission.

Please do not hesitate to contact my office if you have any questions.

Sincerely,

/s/ Dave Schatz

Dave Schatz

President Pro Tem

Also,

January 15, 2019

Ms. Adriane Crouse  
Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to RsMO 21.851 I am appointing Senators Bill Eigel and Justin Brown to fill my position and Senator Sandy Crawford's position on the Joint Committee on Disaster Preparedness and Awareness.

Please do not hesitate to contact my office if you have any questions.

Sincerely,

/s/ Dave Schatz

Dave Schatz

President Pro Tem

Also,

January 15, 2019

Ms. Adriane Crouse  
Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to RsMO 173.320, I am appointing Senator Cindy O'Laughlin to fill the Senate vacancy on the Education Commission of the States.

Please do not hesitate to contact my office if you have any questions.

Sincerely,

/s/ Dave Schatz

Dave Schatz

President Pro Tem

Also,

January 15, 2019

Ms. Adriane Crouse  
Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to RsMO 208.955 I am appointing Senator David Sater to replace former Senator Rob Schaaf on the MO HealthNet Oversight

Committee.

Please do not hesitate to contact my office if you have any questions.

Sincerely,

/s/ Dave Schatz

Dave Schatz

President Pro Tem

Also,

January 15, 2019

Ms. Adriane Crouse

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to RsMO 44.227, I am appointing Senator Doug Libla to fill the Senate vacancy on the Seismic Safety Commission.

Please do not hesitate to contact my office if you have any questions.

Sincerely,

/s/ Dave Schatz

Dave Schatz

President Pro Tem

Also,

January 15, 2019

Ms. Adriane Crouse

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to RsMO 186.007, I am appointing Senator Sandy Crawford to fill the Senate vacancy on the Missouri Women's Council.

Please do not hesitate to contact my office if you have any questions.

Sincerely,

/s/ Dave Schatz

Dave Schatz

President Pro Tem

### **INTRODUCTIONS OF GUESTS**

Senator Sifton introduced to the Senate, Kurt and Celeste Witzel, St. Louis.

Senator Cunningham introduced to the Senate, Mike Frazier, Marshfield.

Senator Libla introduced to the Senate, Keith Holloway, Cape Girardeau.

Senator Holsman introduced to the Senate, John Mitchem and Aaron Hitchens, Kansas City.

Senator Holsman introduced to the Senate, students from Lutheran High School, Kansas City.

Senator Holsman introduced to the Senate, John Stamm, Kansas City.

On motion of Senator Rowden, the Senate adjourned until 10:00 a.m., Thursday, January 17, 2019.



## SENATE CALENDAR

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SIXTH DAY–THURSDAY, JANUARY 17, 2019

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## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 1-Curls and Nasheed	SB 33-Wieland
SB 2-Curls	SB 34-Riddle
SB 3-Curls	SB 35-Riddle
SB 4-Sater	SB 36-Riddle
SB 5-Sater, et al	SB 37-Onder
SB 6-Sater	SB 38-Onder
SB 7-Emery	SB 39-Onder
SB 8-Emery	SB 40-Schupp
SB 9-Emery	SB 41-Schupp
SB 10-Cunningham	SB 42-Schupp
SB 11-Cunningham	SB 43-Hoskins
SB 12-Cunningham	SB 44-Hoskins
SB 14-Wallingford	SB 45-Hoskins
SB 15-Wallingford	SB 46-Koenig
SB 16-Romine	SB 48-Koenig
SB 17-Romine	SB 49-Rowden
SB 18-Romine	SB 50-Eigel
SB 19-Libla	SB 51-Eigel
SB 20-Libla	SB 52-Eigel
SB 21-Libla	SB 53-Crawford
SB 22-Nasheed	SB 54-Crawford
SB 23-Nasheed	SB 55-Crawford
SB 24-Nasheed	SB 56-Cierpiot
SB 25-Sifton	SB 57-Cierpiot
SB 26-Sifton	SB 58-Cierpiot
SB 27-Sifton	SB 59-Arthur
SB 28-Hegeman	SB 60-Arthur
SB 29-Hegeman	SB 61-Arthur
SB 30-Hegeman	SB 62-Burlison
SB 31-Wieland	SB 63-Burlison
SB 32-Wieland	SB 64-Burlison

SB 65-White	SB 106-Hoskins
SB 66-White	SB 107-Hoskins
SB 67-White	SB 108-Koenig
SB 68-Hough	SB 109-Koenig
SB 69-Hough	SB 110-Koenig
SB 70-Hough	SB 111-Eigel
SB 71-Brown	SB 112-Eigel
SB 72-O'Laughlin	SB 113-Eigel
SB 73-O'Laughlin and Emery	SB 114-Crawford
SB 74-May	SB 115-Crawford
SB 75-Curls	SB 116-Cierpiot
SB 76-Sater	SB 117-Cierpiot
SB 77-Sater	SB 118-Cierpiot
SB 78-Sater	SB 119-Arthur
SB 79-Emery	SB 120-Burlison
SB 80-Emery	SB 121-Burlison
SB 81-Emery	SB 122-Burlison
SB 82-Cunningham	SB 123-White
SB 83-Cunningham	SB 124-Hough
SB 84-Cunningham	SB 125-Hough
SB 85-Wallingford	SB 126-Hough
SB 86-Wallingford	SB 127-Sater
SB 87-Wallingford	SB 128-Sater
SB 88-Libla	SB 129-Sater
SB 89-Libla	SB 130-Emery
SB 90-Libla	SB 131-Emery
SB 91-Nasheed	SB 132-Emery
SB 92-Nasheed	SB 133-Cunningham
SB 93-Sifton	SB 134-Wallingford
SB 94-Sifton	SB 135-Sifton
SB 95-Sifton	SB 136-Sifton
SB 96-Hegeman	SB 137-Sifton
SB 97-Hegeman	SB 138-Riddle
SB 98-Wieland	SB 139-Koenig
SB 99-Wieland	SB 140-Koenig
SB 100-Riddle	SB 141-Koenig
SB 101-Riddle	SB 142-Eigel
SB 102-Riddle	SB 143-Cierpiot
SB 103-Schupp	SB 144-Burlison
SB 104-Schupp	SB 145-Burlison
SB 105-Schupp	SB 146-Burlison

SB 147-Sater	SB 189-Crawford
SB 148-Sifton	SB 190-Onder
SB 149-Koenig	SB 191-Schupp
SB 150-Koenig	SB 192-Schupp
SB 151-Koenig	SB 193-Schupp
SB 152-Holsman	SB 194-Hoskins
SB 153-Sifton	SB 195-Hoskins
SB 154-Luetkemeyer	SB 196-Bernskoetter
SB 155-Luetkemeyer	SB 197-Onder
SB 156-Wallingford	SB 198-Onder
SB 157-Wallingford	SB 199-Arthur
SB 158-Eigel	SB 200-Hough
SB 159-Sifton	SB 201-Romine
SB 160-Koenig	SB 202-Romine
SB 161-Cunningham	SB 203-Nasheed
SB 162-Schupp	SB 204-Riddle
SB 163-Schupp	SB 205-Arthur
SB 164-Schupp	SB 206-Arthur
SB 165-Eigel	SB 207-Emery
SB 166-Crawford	SB 208-Wallingford
SB 167-Crawford	SB 209-May
SB 168-Wallingford	SB 210-May
SB 169-Wallingford	SB 211-Wallingford
SB 170-Schupp	SB 212-Sifton
SB 171-Schupp	SB 213-Hegeman
SB 172-Schupp	SB 215-Schupp
SB 173-Crawford	SB 216-Schupp
SB 174-Crawford	SB 217-Schupp
SB 175-Crawford	SB 218-Hoskins
SB 176-Hough	SB 219-Hoskins
SB 177-Hough	SB 220-Hoskins
SB 178-Schupp	SB 221-Crawford
SB 179-Cunningham	SB 222-Hough
SB 180-Wallingford	SB 223-Brown
SB 182-Cierpiot, et al	SB 224-Luetkemeyer
SB 183-Arthur	SB 225-Curls
SB 184-Wallingford	SB 226-Sater
SB 185-Wallingford	SB 227-Sater
SB 186-Hegeman	SB 228-Sater
SB 187-Eigel	SB 229-Crawford
SB 188-Eigel	SB 230-Crawford

SB 231-Hough	SB 258-Wallingford
SB 232-Sater	SB 259-Romine
SB 233-Sater	SB 260-Onder
SB 234-White	SB 261-Nasheed
SB 235-White	SB 262-Sater
SB 236-White	SB 263-Schupp
SB 237-White	SB 264-Crawford
SB 238-Emery	SB 265-Luetkemeyer
SB 239-White	SB 266-Wieland
SB 240-White	SB 267-Wieland
SB 241-Rizzo	SJR 1-Sater and Onder
SB 242-Walsh	SJR 2-Emery
SB 243-Walsh	SJR 3-Hegeman
SB 244-Walsh	SJR 4-Eigel
SB 245-Walsh	SJR 5-Eigel
SB 246-Hough	SJR 6-Eigel
SB 247-Hough	SJR 7-Cierpiot
SB 248-Brown	SJR 8-Cierpiot
SB 249-Koenig	SJR 9-Cierpiot
SB 250-Koenig	SJR 10-Burlison
SB 251-Koenig	SJR 11-Burlison
SB 252-Wieland	SJR 12-Eigel
SB 253-Sater	SJR 13-Holsman
SB 254-Bernskoetter	SJR 14-Luetkemeyer
SB 255-Bernskoetter	SJR 15-Holsman
SB 256-Hegeman	SJR 16-Sifton
SB 257-Hoskins	SJR 17-Nasheed

## INFORMAL CALENDAR

## RESOLUTIONS

SR 20-Holsman

To be Referred

SCR 6-Schupp

SCR 7-Schupp

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# Journal of the Senate

## FIRST REGULAR SESSION

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### SIXTH DAY—THURSDAY, JANUARY 17, 2019

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The Senate met pursuant to adjournment.

Senator Wallingford in the Chair.

Reverend Carl Gauck offered the following prayer:

“But I trust in you, O Lord; I say, you are my God. My times are in your hand.” (Psalm 31:14-15a)

Merciful God, we bring this first full week to an end and realize that our time is in Your hands and hope we have used our time here wisely and productively. As we head home make us mindful of our responsibilities behind the wheel and help us to be a safe and courteous driver aware that there are some who are not. Be with us so we may arrive home safely to enjoy our time with loved ones. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	O’Laughlin	Onder	Riddle	Romine	Rowden
Sater	Schatz	Schupp	Sifton	Wallingford	Walsh	White
Wieland	Williams—30					

Absent—Senators—None

Absent with leave—Senators

Burlison	May	Nasheed	Rizzo—4
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Vacancies—None

## RESOLUTIONS

Senator Sifton offered Senate Resolution No. 61, regarding Dr. Jan Speck, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 62, regarding Eugene J. Harmack, St. Louis, which was adopted.

Senator Brown offered Senate Resolution No. 63, regarding Dr. Corey Ray, Rolla, which was adopted.

Senator Brown offered Senate Resolution No. 64, regarding Command Sergeant Major Richard C. “Rick” Morris, Waynesville, which was adopted.

## INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 268**—By Wieland.

An Act to repeal sections 8.250, 8.679, 21.290, 21.300, 21.310, 21.320, 33.440, 34.030, 34.040, 34.042, 34.044, 49.535, 49.265, 50.333, 50.660, 50.760, 50.783, 50.800, 50.815, 56.363, 60.010, 64.040, 64.140, 64.180, 64.231, 64.271, 64.281, 64.341, 64.342, 64.401, 64.550, 64.725, 64.815, 65.610, 65.662, 66.705, 66.711, 67.110, 67.461, 67.794, 67.950, 67.1170, 67.1180, 67.1237, 67.1421, 67.1431, 67.1551, 67.1812, 67.1866, 67.1874, 67.1953, 67.2000, 67.2505, 67.2515, 67.2520, 67.2525, 67.5050, 67.5060, 68.055, 68.215, 68.225, 68.250, 71.012, 71.015, 71.050, 71.070, 71.590, 71.794, 72.402, 72.403, 72.405, 72.422, 77.110, 77.220, 77.700, 78.300, 78.630, 79.160, 79.490, 80.200, 80.210, 80.570, 80.580, 81.220, 82.120, 82.133, 84.570, 88.027, 88.080, 88.110, 88.520, 88.640, 88.653, 88.657, 88.700, 88.787, 88.808, 88.812, 88.815, 88.880, 88.887, 88.917, 89.145, 89.360, 91.130, 91.670, 92.755, 95.280, 99.150, 99.430, 99.450, 99.490, 99.620, 99.825, 99.830, 99.865, 99.879, 99.881, 99.899, 99.936, 99.951, 99.980, 99.1021, 99.1036, 99.1060, 99.1088, 100.400, 100.410, 100.440, 100.580, 108.320, 110.070, 110.130, 115.023, 115.113, 115.124, 115.127, 115.345, 115.389, 115.521, 116.260, 116.290, 128.030, 135.210, 135.215, 135.963, 137.055, 137.073, 137.177, 137.355, 137.512, 138.050, 138.070, 138.100, 138.150, 138.460, 140.170, 141.040, 141.410, 141.430, 141.450, 141.540, 141.785, 141.850, 141.1009, 141.1012, 144.034, 160.665, 161.092, 162.321, 165.111, 165.121, 165.211, 172.020, 177.073, 177.086, 177.088, 177.091, 182.620, 184.104, 184.350, 184.353, 184.503, 184.509, 184.600, 184.830, 190.020, 190.088, 192.300, 197.330, 198.220, 204.260, 204.350, 204.355, 204.472, 204.567, 204.602, 204.604, 204.622, 204.658, 205.200, 205.979, 206.030, 206.060, 214.035, 214.060, 214.209, 226.799, 227.100, 227.107, 227.601, 227.609, 228.180, 229.050, 231.220, 231.280, 231.370, 231.410, 233.150, 233.175, 233.205, 233.225, 233.285, 233.295, 233.316, 233.325, 233.350, 233.370, 233.425, 233.503, 233.520, 234.120, 234.130, 238.212, 238.220, 238.310, 241.160, 242.030, 242.050, 242.140, 242.150, 242.270, 242.310, 242.485, 242.696, 242.720, 243.060, 243.110, 243.160, 243.220, 243.460, 243.550, 245.020, 245.060, 245.125, 245.140, 245.181, 245.300, 245.320, 245.395, 245.460, 246.070, 246.090, 246.160, 247.031, 247.040, 247.085, 247.160, 247.165, 247.215, 247.217, 247.220, 248.020, 248.090, 248.110, 249.050, 249.134, 249.340, 249.360, 249.425, 249.480, 249.510, 249.765, 249.800, 249.810, 249.939, 249.1103, 251.330, 251.370, 251.430, 253.080, 253.300, 256.645, 257.250, 259.140, 260.205, 260.215, 260.330, 260.395, 260.405, 260.460, 262.410, 262.583, 262.620, 262.900, 263.245, 263.247, 263.255, 263.257, 263.454, 263.456, 263.517, 267.595, 271.100, 271.340, 272.370, 273.170, 273.180, 274.100, 278.190, 287.872, 304.130, 305.310, 305.525, 305.575, 311.140, 311.840, 322.100, 341.130, 347.141, 347.145, 351.482, 352.200, 354.290, 355.626, 355.701, 359.481, 361.480, 361.510, 361.580, 362.044, 362.295, 362.331, 362.332,

362.485, 369.094, 369.104, 369.192, 369.349, 375.201, 375.355, 375.480, 375.777, 375.1185, 376.050, 376.070, 376.110, 376.150, 377.240, 379.025, 379.030, 379.040, 379.065, 379.095, 379.530, 379.570, 379.600, 380.041, 380.151, 380.321, 386.800, 388.290, 391.020, 392.040, 393.040, 393.760, 393.855, 393.945, 394.240, 400.7-210, 411.360, 411.671, 415.415, 417.250, 417.300, 426.150, 426.180, 426.320, 426.350, 430.100, 430.160, 430.170, 433.160, 443.110, 443.320, 444.110, 444.535, 444.600, 444.720, 444.772, 444.820, 444.850, 444.855, 444.875, 444.925, 446.090, 447.040, 447.541, 447.558, 451.300, 456.5-505, 470.080, 472.100, 472.110, 473.033, 473.040, 473.097, 473.507, 473.697, 473.703, 475.140, 479.368, 492.470, 492.480, 493.025, 493.027, 493.040, 493.045, 493.050, 493.055, 493.060, 493.070, 493.075, 493.080, 493.090, 493.100, 493.110, 493.120, 493.130, 493.140, 506.160, 506.180, 511.420, 513.205, 515.520, 523.030, 523.262, 525.270, 527.200, 527.290, 578.100, 640.015, 640.120, 640.418, 644.036, and 700.527, RSMo, and to enact in lieu thereof four hundred thirty-six new sections relating to the means by which public notice is required to be published, with existing penalty provisions.

**SB 269**—By Eigel.

An Act to repeal section 135.352, RSMo, and to enact in lieu thereof one new section relating to low-income housing tax credits.

**SB 270**—By White and Crawford.

An Act to repeal section 488.012, RSMo, and to enact in lieu thereof one new section relating to court costs.

**SB 271**—By Emery.

An Act to repeal sections 160.011, 160.400, 160.403, 160.405, 160.408, 160.410, and 160.425, RSMo, and to enact in lieu thereof seven new sections relating to charter schools.

**SB 272**—By Emery.

An Act to repeal section 162.974, RSMo, and to enact in lieu thereof one new section relating to reimbursement for special education.

**SB 273**—By Emery.

An Act to repeal sections 67.2677 and 67.2689, RSMo, and to enact in lieu thereof three new sections relating to video service providers.

**SB 274**—By Sater.

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to board of pharmacy pilot programs.

**SB 275**—By Sater.

An Act to repeal section 332.361, RSMo, and to enact in lieu thereof one new section relating to dental board prescribing authority of dentists.

**SB 276**—By Rowden.

An Act to repeal section 407.025, RSMo, and to enact in lieu thereof one new section relating to civil actions to recover damages for unlawful merchandising practices.

**SB 277**—By Crawford.

An Act to repeal sections 454.507 and 513.430, RSMo, and to enact in lieu thereof two new sections

relating to child support enforcement.

**SB 278**—By Wallingford.

An Act to repeal section 640.136, RSMo, and to enact in lieu thereof one new section relating to public water fluoridation.

### **REFERRALS**

President Pro Tem Schatz referred **SCR 6** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **SECOND READING OF CONCURRENT RESOLUTIONS**

The following concurrent resolution was read the 2nd time and referred to the Committee indicated:

**SCR 7**—Rules, Joint Rules, Resolutions and Ethics.

### **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 1**—Judiciary and Civil and Criminal Jurisprudence.

**SB 2**—Small Business and Industry.

**SB 3**—Judiciary and Civil and Criminal Jurisprudence.

**SB 4**—Seniors, Families and Children.

**SB 5**—Local Government and Elections.

**SB 6**—Health and Pensions.

**SB 7**—Government Reform.

**SB 8**—Judiciary and Civil and Criminal Jurisprudence.

**SB 9**—Judiciary and Civil and Criminal Jurisprudence.

**SB 10**—Small Business and Industry.

**SB 11**—Appropriations.

**SB 12**—Judiciary and Civil and Criminal Jurisprudence.

**SB 14**—Seniors, Families and Children.

**SB 15**—Transportation, Infrastructure and Public Safety.

**SB 16**—Education.

**SB 17**—Health and Pensions.

**SB 18**—Government Reform.

**SB 19**—Transportation, Infrastructure and Public Safety.

**SB 20**—Transportation, Infrastructure and Public Safety.

**SB 21**—Local Government and Elections.

**SB 22**—Judiciary and Civil and Criminal Jurisprudence.



**SB 23**—Transportation, Infrastructure and Public Safety.

**SB 24**—Transportation, Infrastructure and Public Safety.

**SB 25**—Education.

**SB 26**—Rules, Joint Rules, Resolutions and Ethics.

**SB 27**—Health and Pensions.

**SB 28**—Economic Development.

**SB 29**—Appropriations.

**SB 30**—Government Reform.

**SB 31**—Insurance and Banking.

**SB 32**—General Laws.

**SB 33**—Education.

**SB 34**—Professional Registration.

**SB 35**—Judiciary and Civil and Criminal Jurisprudence.

**SB 36**—Professional Registration.

**SB 37**—Judiciary and Civil and Criminal Jurisprudence.

**SB 38**—Small Business and Industry.

**SB 39**—Transportation, Infrastructure and Public Safety.

**SB 40**—Transportation, Infrastructure and Public Safety.

### **INTRODUCTIONS OF GUESTS**

Senator Emery introduced to the Senate, the Physician of the Day, Dr. Warren Lovinger, Nevada.

On motion of Senator Rowden, the Senate adjourned until 4:00 p.m., Tuesday, January 22, 2019.

### **SENATE CALENDAR**

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**SEVENTH DAY—TUESDAY, JANUARY 22, 2019**

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### **FORMAL CALENDAR**

### **SECOND READING OF SENATE BILLS**

SB 41-Schupp

SB 42-Schupp

SB 43-Hoskins

SB 44-Hoskins

SB 45-Hoskins

SB 46-Koenig

SB 48-Koenig

SB 49-Rowden

SB 50-Eigel	SB 90-Libla
SB 51-Eigel	SB 91-Nasheed
SB 52-Eigel	SB 92-Nasheed
SB 53-Crawford	SB 93-Sifton
SB 54-Crawford	SB 94-Sifton
SB 55-Crawford	SB 95-Sifton
SB 56-Cierpiot	SB 96-Hegeman
SB 57-Cierpiot	SB 97-Hegeman
SB 58-Cierpiot	SB 98-Wieland
SB 59-Arthur	SB 99-Wieland
SB 60-Arthur	SB 100-Riddle
SB 61-Arthur	SB 101-Riddle
SB 62-Burlison	SB 102-Riddle
SB 63-Burlison	SB 103-Schupp
SB 64-Burlison	SB 104-Schupp
SB 65-White	SB 105-Schupp
SB 66-White	SB 106-Hoskins
SB 67-White	SB 107-Hoskins
SB 68-Hough	SB 108-Koenig
SB 69-Hough	SB 109-Koenig
SB 70-Hough	SB 110-Koenig
SB 71-Brown	SB 111-Eigel
SB 72-O'Laughlin	SB 112-Eigel
SB 73-O'Laughlin and Emery	SB 113-Eigel
SB 74-May	SB 114-Crawford
SB 75-Curls	SB 115-Crawford
SB 76-Sater	SB 116-Cierpiot
SB 77-Sater	SB 117-Cierpiot
SB 78-Sater	SB 118-Cierpiot
SB 79-Emery	SB 119-Arthur
SB 80-Emery	SB 120-Burlison
SB 81-Emery	SB 121-Burlison
SB 82-Cunningham	SB 122-Burlison
SB 83-Cunningham	SB 123-White
SB 84-Cunningham	SB 124-Hough
SB 85-Wallingford	SB 125-Hough
SB 86-Wallingford	SB 126-Hough
SB 87-Wallingford	SB 127-Sater
SB 88-Libla	SB 128-Sater
SB 89-Libla	SB 129-Sater

SB 130-Emery	SB 170-Schupp
SB 131-Emery	SB 171-Schupp
SB 132-Emery	SB 172-Schupp
SB 133-Cunningham	SB 173-Crawford
SB 134-Wallingford	SB 174-Crawford
SB 135-Sifton	SB 175-Crawford
SB 136-Sifton	SB 176-Hough
SB 137-Sifton	SB 177-Hough
SB 138-Riddle	SB 178-Schupp
SB 139-Koenig	SB 179-Cunningham
SB 140-Koenig	SB 180-Wallingford
SB 141-Koenig	SB 182-Cierpiot, et al
SB 142-Eigel	SB 183-Arthur
SB 143-Cierpiot	SB 184-Wallingford
SB 144-Burlison	SB 185-Wallingford
SB 145-Burlison	SB 186-Hegeman
SB 146-Burlison	SB 187-Eigel
SB 147-Sater	SB 188-Eigel
SB 148-Sifton	SB 189-Crawford
SB 149-Koenig	SB 190-Onder
SB 150-Koenig	SB 191-Schupp
SB 151-Koenig	SB 192-Schupp
SB 152-Holsman	SB 193-Schupp
SB 153-Sifton	SB 194-Hoskins
SB 154-Luetkemeyer	SB 195-Hoskins
SB 155-Luetkemeyer	SB 196-Bernskoetter
SB 156-Wallingford	SB 197-Onder
SB 157-Wallingford	SB 198-Onder
SB 158-Eigel	SB 199-Arthur
SB 159-Sifton	SB 200-Hough
SB 160-Koenig	SB 201-Romine
SB 161-Cunningham	SB 202-Romine
SB 162-Schupp	SB 203-Nasheed
SB 163-Schupp	SB 204-Riddle
SB 164-Schupp	SB 205-Arthur
SB 165-Eigel	SB 206-Arthur
SB 166-Crawford	SB 207-Emery
SB 167-Crawford	SB 208-Wallingford
SB 168-Wallingford	SB 209-May
SB 169-Wallingford	SB 210-May

SB 211-Wallingford	SB 252-Wieland
SB 212-Sifton	SB 253-Sater
SB 213-Hegeman	SB 254-Bernskoetter
SB 215-Schupp	SB 255-Bernskoetter
SB 216-Schupp	SB 256-Hegeman
SB 217-Schupp	SB 257-Hoskins
SB 218-Hoskins	SB 258-Wallingford
SB 219-Hoskins	SB 259-Romine
SB 220-Hoskins	SB 260-Onder
SB 221-Crawford	SB 261-Nasheed
SB 222-Hough	SB 262-Sater
SB 223-Brown	SB 263-Schupp
SB 224-Luetkemeyer	SB 264-Crawford
SB 225-Curls	SB 265-Luetkemeyer
SB 226-Sater	SB 266-Wieland
SB 227-Sater	SB 267-Wieland
SB 228-Sater	SB 268-Wieland
SB 229-Crawford	SB 269-Eigel
SB 230-Crawford	SB 270-White and Crawford
SB 231-Hough	SB 271-Emery
SB 232-Sater	SB 272-Emery
SB 233-Sater	SB 273-Emery
SB 234-White	SB 274-Sater
SB 235-White	SB 275-Sater
SB 236-White	SB 276-Rowden
SB 237-White	SB 277-Crawford
SB 238-Emery	SB 278-Wallingford
SB 239-White	SJR 1-Sater and Onder
SB 240-White	SJR 2-Emery
SB 241-Rizzo	SJR 3-Hegeman
SB 242-Walsh	SJR 4-Eigel
SB 243-Walsh	SJR 5-Eigel
SB 244-Walsh	SJR 6-Eigel
SB 245-Walsh	SJR 7-Cierpiot
SB 246-Hough	SJR 8-Cierpiot
SB 247-Hough	SJR 9-Cierpiot
SB 248-Brown	SJR 10-Burlison
SB 249-Koenig	SJR 11-Burlison
SB 250-Koenig	SJR 12-Eigel
SB 251-Koenig	SJR 13-Holsman

SJR 14-Luetkemeyer  
SJR 15-Holsman

SJR 16-Sifton  
SJR 17-Nasheed

INFORMAL CALENDAR

RESOLUTIONS

SR 20-Holsman

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# Journal of the Senate

## FIRST REGULAR SESSION

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### SEVENTH DAY—TUESDAY, JANUARY 22, 2019

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“For all who are led by the Spirit of God are children of God.” (Romans 8:14)

O Lord God, king of the universe, in all our undertakings grant us wisdom, grant us success and faithfulness. Make our minds calm and serene, free from anxiety and worry so we can make clear minded decisions that are helpful for those which we hope to help. And save us from doubt so our work is satisfactory and our study settled on true wisdom, and our loyalty given to You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 17, 2019 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Riddle offered Senate Resolution No. 65, regarding Merlyn Rich, Fulton, which was adopted.

Senator Riddle offered Senate Resolution No. 66, regarding Kemar Lewis, Holts Summit, which was adopted.

Senator Wieland offered Senate Resolution No. 67, regarding Jennifer Kline, Festus, which was adopted.

Senator Hoskins offered Senate Resolution No. 68, regarding Eagle Scout Edison Turner, Chillicothe, which was adopted.

Senator Hoskins offered Senate Resolution No. 69, regarding Eagle Scout Joshua Daniel Meservey, Chula, which was adopted.

Senator Cunningham offered Senate Resolution No. 70, regarding Judy Herman, Seymour, which was adopted.

Senator Sifton offered Senate Resolution No. 71, regarding Assistant Fire Chief Ben Waser, St. Louis, which was adopted.

Senator Libla offered Senate Resolution No. 72, regarding Jackson L. Bostic, Poplar Bluff, which was adopted.

Senator Crawford offered Senate Resolution No. 73, regarding Ronnie Miller, Stockton, which was adopted.

### **CONCURRENT RESOLUTIONS**

Senator Holsman offered the following concurrent resolution:

#### **SENATE CONCURRENT RESOLUTION NO. 8**

Relating to an application to Congress for the calling of an Article V convention of states to propose certain amendments to the United States Constitution which regulate elections.

Whereas, the framers of the Constitution of the United States of America intended that the Congress of the United States of America should be “dependent on the people alone” (James Madison, Federalist 52); and

Whereas, that dependency has evolved from a dependency on the people alone to a dependency on powerful special interests, through campaigns or third-party groups, that have created a fundamental imbalance in our representative democracy; and

Whereas, Americans across the political spectrum agree that elections in the United States of America should be free from the disproportional influence of special interests and fair enough that any citizen can be elected into office; and

Whereas, the Constitution of the State of Missouri states “that all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole” and the people have the exclusive right to alter their constitutions of government whenever they deem it necessary (Article I, Sections 1 & 3); and

Whereas, Article V of the United States Constitution requires Congress to call a convention for proposing amendments to the federal Constitution on the application of two-thirds of the legislatures of the several states; and

Whereas, the Missouri General Assembly perceives the need for an amendments convention in order to propose an amendment to the federal Constitution that will permanently protect free and fair elections in America by ensuring balance, integrity, and transparency to our national system of campaign finance, and desires that said convention be limited to that purpose; and

Whereas, a national convention would give us an opportunity to come together, as a nation, to discuss solutions on how to ensure the integrity of our elections, and renew the American people’s trust in government; and

Whereas, Article V clearly states that any amendment, whether proposed by Congress or by convention, must be ratified by three-fourths of the states, ensuring that only the most reasonable proposals with widespread support become part of our Constitution; and

Whereas, the State of Missouri desires that the delegates to said convention shall be comprised equally of individuals currently elected to state and local office, or be selected by election, in each Congressional district for the purpose of serving as delegates, though all individuals elected or appointed to federal office, now or in the past, be prohibited from serving as delegates to the convention, and intends to retain the ability to enforce the responsibility and conduct of its delegates within the limits expressed herein; and

Whereas, the State of Missouri intends that this be a continuing application considered together with applications calling for a convention passed in the 2013-2014 Vermont legislature as R454, the 2013-2014 California legislature as Resolution Chapter 77, the 98th Illinois General Assembly as SJR 42, the 2014-2015 New Jersey legislature as SCR 132, the 2015-2016 Rhode Island legislature as HR 7670 and SR 2589, and all other passed, pending, and future applications until such time as two-thirds of the several states have applied for a convention for a similar purpose and said convention is convened by Congress:

Now Therefore Be It Resolved that the members of the Missouri Senate, One-hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby apply to the United States Congress, under the provisions of Article V of the United States Constitution for the calling of a convention of the states for the exclusive and limited purpose of proposing an amendment to the United States Constitution that will permanently protect fair elections as described herein by ensuring balance, integrity and transparency to our national system of campaign finance, as soon as two-thirds of the legislatures of the several states have applied for a convention for a similar purpose; and

Be It Further Resolved that the Secretary of the Senate transmit copies of this resolution to the President of the United States; the Vice President of the United States in his capacity as presiding officer of the United States Senate, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the President Pro Tempore of the United States Senate, to each Senator and Representative from Missouri in the Congress of the United States with the respectful request that the full and complete text of this resolution be printed in the Congressional Record, to the presiding officers of each legislative body of each of the several states, requesting the cooperation of the states in issuing an application compelling Congress to call a convention for proposing amendments pursuant to Article V of the U.S. Constitution.

Read 1st time.

Senator Eigel offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 9

Whereas, Article I of the United States Constitution begins “All legislative powers herein granted shall be vested in a Congress”; and

Whereas, the Congress has exceeded the legislative powers granted in the Constitution thereby encroaching on the powers that are “reserved to the states respectively, or to the people” as the Tenth Amendment affirms and the rights “retained by the people” to which the Ninth Amendment refers; and

Whereas, in Federalist No. 10, James Madison wrote that “No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and,...with greater reason, a body of men are unfit to be both judges and parties at the same time”; and

Whereas, this same principle was emphasized in the 1798 Kentucky Resolutions (drafted by Thomas Jefferson) that the United States government “was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers”; and

Whereas, the Congress has latent but neglected powers to correct such judicial supremacy by means of Article III Section 2 regulations on appellate jurisdiction, yet by similar reasoning such regulatory powers should be additionally extended to the several states, heeding Jefferson’s warnings that we not make the Constitution “a mere thing of wax in the hands of the judiciary” for “to consider the judges as the ultimate arbiters of all constitutional questions” would then “place us under the despotism of an oligarchy”, rather “the people themselves” are the “true corrective of constitutional abuses” and the states remain the closest and most representative voice of the people; and

Whereas, the United States Constitution should then be amended to enable the several states to correct violations of the limited powers by the United States and thereby restore the proper balance between the powers of Congress and those of the several states, and better prevent the denial or disparagement of the rights retained by the people:

Now Therefore Be It Resolved that the members of the Missouri Senate, One-Hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby strongly urge the Congress of the United States to propose the following amendment, known as the State Powers Amendment, or SPA:

“Section 1. Any provision of law or regulation of the United States may be repealed by the several states, and such repeal shall be effective when the legislatures of a Representative Majority of the several states approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation to be repealed. A Representative Majority of the several states is a majority of the states also having together a majority of the apportioned Representatives in Congress.

Section 2. The several states shall have power to make regulations and exceptions to the appellate jurisdiction of the Supreme Court and all inferior courts and tribunals of the United States, and such regulations and exceptions shall be effective when the legislatures of a Representative Majority of the several states approve identical resolutions for this purpose no more than five years apart.”; and

Be It Further Resolved that should the Congress fail to act after two-thirds of the several states petition alike in substance for a State Powers Amendment, then a “convention to propose amendments” under Article V of the United States Constitution shall be the proper course



and that delegates to such convention should be selected by the legislatures in the several states and should vote by state, according to the practices established by the 1787 Federal Convention in Philadelphia; and

Be It Further Resolved that the state of Missouri reserves its further right to petition in the same manner for further amendments as the General Assembly may deem warranted; and

Be It Further Resolved that copies of this resolution be forwarded to the legislatures of all the several states inviting them to likewise join in support of this petition; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Missouri congressional delegation.

## INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 279**—By Onder.

An Act to repeal section 188.027, RSMo, and to enact in lieu thereof two new sections relating to abortion.

**SB 280**—By Sater.

An Act to repeal sections 334.037, 334.104, and 334.735, RSMo, and to enact in lieu thereof three new sections relating to certain collaborative practice arrangements.

**SB 281**—By Brown.

An Act to amend chapter 287, RSMo, by adding thereto one new section relating to occupational diseases diagnosed in first responders.

**SB 282**—By Brown.

An Act to repeal sections 193.145, 193.265, and 194.119, RSMo, and to enact in lieu thereof three new sections relating to the disposition of human remains.

**SB 283**—By Hoskins.

An Act to repeal section 173.234, RSMo, and to enact in lieu thereof one new section relating to higher education financial aid for families of military members.

**SB 284**—By Hoskins.

An Act to repeal section 94.902, RSMo, and to enact in lieu thereof one new section relating to a sales tax for public safety.

## REPORTS OF STANDING COMMITTEES

Senator Schatz, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Israel Baeza, Republican, as Commissioner of the Pettis County Eastern District Commission;

Also,

Raymond Bailey, Joel P. Evans, John Mallott, Brent Rosenblad, Eric Sandvol and Daryl R. Sorrell, as members of the Seismic Safety Commission;

Also,

Charles B. Brown and Donald Wallace, as members of the Missouri Board of Examiners for Hearing Instrument Specialists;

Also,

Randall C. Bryson, Republican, as a member of the Missouri Real Estate Appraisers Commission;

Also,

Michael B. Frazier, as a member of the Missouri Developmental Disabilities Council;

Also,

Anne K. Heyen, as a member of the Missouri State Board of Nursing;

Also,

Kayla Sue Schoonover, Independent, as a member of the Missouri Western State University Board of Governors;

Also,

Craig Stevenson, as a member of the Missouri State Foster Care and Adoption Board; and

Kurt D. Witzel, Republican, as a member of the Tourism Commission.

Senator Schatz requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Schatz moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

## **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 41**—Judiciary and Civil and Criminal Jurisprudence.

**SB 42**—Judiciary and Civil and Criminal Jurisprudence.

**SB 43**—Progress and Development.

**SB 44**—Small Business and Industry.

**SB 45**—Health and Pensions.

**SB 46**—Ways and Means.

**SB 48**—Insurance and Banking.

**SB 49**—Government Reform.

**SB 50**—Ways and Means.

**SB 51**—Education.

**SB 52**—Ways and Means.

**SB 53**—Local Government and Elections.

**SB 54**—Insurance and Banking.

**SB 55**—Commerce, Consumer Protection, Energy and the Environment.

**SB 56**—Economic Development.

**SB 57**—Economic Development.

**SB 58**—Economic Development.

**SB 59**—Local Government and Elections.

**SB 60**—Small Business and Industry.

**SB 61**—Ways and Means.

**SB 62**—Government Reform.

**SB 63**—Government Reform.

**SB 64**—General Laws.

**SB 65**—Government Reform.

**SB 66**—Commerce, Consumer Protection, Energy and the Environment.

**SB 67**—Government Reform.

**SB 68**—Economic Development.

**SB 69**—Government Reform.

**SB 70**—Appropriations.

**SB 71**—Small Business and Industry.

**SB 72**—Ways and Means.

**SB 73**—Education.

**SB 74**—Judiciary and Civil and Criminal Jurisprudence.

**SB 75**—Transportation, Infrastructure and Public Safety.

**SB 76**—Seniors, Families and Children.

**SB 77**—Seniors, Families and Children.

**SB 78**—Seniors, Families and Children.

**SB 79**—Local Government and Elections.

**SB 80**—Government Reform.

**SB 81**—Judiciary and Civil and Criminal Jurisprudence.

**SB 82**—Health and Pensions.

**SB 83**—Seniors, Families and Children.

**SB 84**—Agriculture, Food Production and Outdoor Resources.

**SB 85**—Ways and Means.

**SB 86**—Seniors, Families and Children.

**SB 87**—Ways and Means.

**SB 88**—Seniors, Families and Children.

**SB 89**—Transportation, Infrastructure and Public Safety.

**SB 90**—Small Business and Industry.

### COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following escort committee pursuant to **HCR 3**: Senators Emery, Hegeman, Luetkemeyer, Onder, White, Sifton, Rizzo, May, Nasheed and Holsman.

### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR  
STATE OF MISSOURI

January 17, 2019

#### REORGANIZATION PLAN NO. 1 2019

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE ONE HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and Sections 26.500 to 26.540, RSMo, I hereby transmit Reorganization Plan No. 1 of 2019, by Executive Order 19-01, to transfer the Division of Energy from the Department of Economic Development and assign it, and all of its responsibilities and functions, to the Department of Natural Resources. The Division of Energy will retain all functions and authority as provided by law. The Department of Natural Resources shall furnish administrative support and staff as is necessary for the effective operation of the Division of Energy.

Respectfully submitted,  
Michael L. Parson  
Governor

#### EXECUTIVE ORDER

19-01

WHEREAS, the Missouri Department of Economic Development is created pursuant to Article IV, Section 12 of the Missouri Constitution and Chapter 620, RSMo, and is charged with promoting the economy of the State, the economic development of the State, trade and business, and other activities and programs impacting the economy of the State; and

WHEREAS, the Missouri Department of Natural Resources is created pursuant to Article IV, Section 12 of the Missouri Constitution and Chapter 640, RSMo, and is charged with administering the programs of the State relating to environmental control and the conservation and management of natural resources of the State; and

WHEREAS, the Division of Energy, located within the Department of Economic Development, is charged with coordinating actions relating to energy sustainability in the State, renewable energy use, and energy conservation pursuant to Section 640.157, RSMo; and

WHEREAS, energy sustainability, renewable energy use, and energy conservation are integrally related to the health of natural resources across the State; and

WHEREAS, the transfer of the Division of Energy from the Department of Economic Development to the Department of Natural Resources

will benefit the State of Missouri by enhancing the Department of Natural Resources' ability to balance a healthy environment with a healthy economy; and

WHEREAS, top-performing state economic development agencies focus primarily on business development and community development, as well as close coordination with workforce development; and

WHEREAS, the transfer of the Division of Energy from the Department of Economic Development to the Department of Natural Resources will benefit the State of Missouri by enabling the Department of Economic Development to align itself more fully around the core economic development activities of business development and community development, closely coordinated with workforce development.

NOW THEREFORE, I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby order the Department of Economic Development and the Department of Natural Resources to cooperate to:

1. Transfer all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Energy from the Department of Economic Development to the Department of Natural Resources by Type I transfer, as defined under the Reorganization Act of 1974;
2. Develop the mechanisms and processes necessary to effectively transfer the Division of Energy to the Department of Natural Resources; and
3. Take the steps necessary to maintain compliance with federal requirements so as not to jeopardize federal financial participation with this transfer.

This order shall become effective no sooner than August 28, 2019, unless disapproved within sixty days of its submission to the First Regular Session of the 100th General Assembly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 17th day of January 2019.

Michael L. Parson  
Governor

Seal

ATTEST:

John R. Ashcroft  
Secretary of State

Also,

GOVERNOR  
STATE OF MISSOURI

January 17, 2019

REORGANIZATION PLAN NO. 2  
2019

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE ONE HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and Sections 26.500 to 26.540, RSMo, I hereby transmit Reorganization Plan No. 2 of 2019, by Executive Order 19-02, to transfer the Office of Public Counsel and the Public Service Commission from the Department of Economic Development and assign them, and all of their responsibilities and functions, to the Department of Insurance, Financial Institutions and Professional Registration. The Office of Public Counsel and the Public Service Commission will retain all functions and authority as provided by law. The Department of Insurance, Financial Institutions and Professional Registration shall furnish administrative support and staff as is necessary for the effective operation of the Office of Public Counsel and the Public Service Commission.

Respectfully submitted,  
Michael L. Parson  
Governor

EXECUTIVE ORDER

19-02

WHEREAS, the Missouri Department of Economic Development is created pursuant to Article IV, Section 12 of the Missouri Constitution

and Chapter 620, RSMo, and is charged with promoting the economy of the State, the economic development of the State, trade and business, and other activities and programs impacting the economy of the State; and

WHEREAS, the Missouri Department of Insurance is created pursuant to Article IV, Section 12 of the Missouri Constitution, which was redesignated as the Department of Insurance, Financial Institutions and Professional Registration pursuant to Executive Order 06-04, and is charged with regulation of insurance companies, financial institutions, and professional registration of many industries and occupations, including consumer affairs; and

WHEREAS, the Office of Public Counsel, located within the Department of Economic Development, is charged with representing and protecting the interests of the public in any proceeding before or appeal from the Missouri Public Service Commission pursuant to Section 386.710, RSMo; and

WHEREAS, the Public Service Commission, located within the Department of Economic Development, is created pursuant to Chapter 386, RSMo, and is charged with regulating investor-owned electric, natural gas, steam, water, and sewer utilities; and

WHEREAS, the Department of Insurance, Financial Institutions and Professional Registration has extensive expertise in the regulation of complex industries and is well positioned to enhance State functions relating to utility regulation; and

WHEREAS, the transfer of the Office of Public Counsel and the Public Service Commission from the Department of Economic Development to the Department of Insurance, Financial Institutions and Professional Registration will benefit the State of Missouri by consolidating regulatory functions and programs to increase efficiencies and provide a more cohesive and coordinated approach to the regulation of complex industries, including protecting the interests of the public in regard to such industries; and

WHEREAS, top-performing state economic development agencies focus primarily on business development and community development, as well as close coordination with workforce development.

NOW THEREFORE, I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby order the Department of Economic Development and the Department of Insurance, Financial Institutions and Professional Registration to cooperate to:

1. Transfer all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Office of Public Counsel and the Public Service Commission from the Department of Economic Development to the Department of Insurance, Financial Institutions and Professional Registration by Type III transfer, as defined under the Reorganization Act of 1974;
2. Develop the mechanisms and processes necessary to effectively transfer the Office of Public Counsel and the Public Service Commission to the Department of Insurance, Financial Institutions and Professional Registration; and
3. Take the steps necessary to maintain compliance with federal requirements so as not to jeopardize federal financial participation with this transfer.

The Department of Insurance, Financial Institutions and Professional Registration shall henceforth be known as the Department of Commerce and Insurance. Executive Order 06-04's designation of the Department of Insurance as the Department of Insurance, Financial Institutions and Professional Registration is hereby superseded and replaced by the designation as the Department of Commerce and Insurance set forth herein. This order shall become effective no sooner than August 28, 2019, unless disapproved within sixty days of its submission to the First Regular Session of the 100th General Assembly.

Seal

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 17th day of January, 2019.

Michael L. Parson  
Governor

ATTEST:

John R. Ashcroft  
Secretary of State

Also,

GOVERNOR  
STATE OF MISSOURI

January 17, 2019

REORGANIZATION PLAN NO. 3

2019

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE ONE HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act

of 1974 and Sections 26.500 to 26.540, RSMo, I hereby transmit Reorganization Plan No. 3 of 2019, by Executive Order 19-03, to reorganize the divisions of the Department of Economic Development, including the transfer of the Division of Workforce Development and the Missouri Economic Research and Information Center (MERIC) from the Department of Economic Development and assigning them, and all of their responsibilities and functions, to the Department of Higher Education to maximize the State's capacity for the core economic development priorities of business and community development.

The Division of Workforce Development will retain all functions and authority as provided by law, except as set forth herein. The Department of Higher Education shall furnish administrative support and staff as is necessary for the effective operation of the Division of Workforce Development and the Missouri Economic Research and Information Center (MERIC).

The Regional Engagement Division, Strategy and Performance Division, and One Start Division shall be created within the Department of Economic Development, and the Division of Business and Community Services shall be redesignated as the Business and Community Solutions Division. The Department of Economic Development shall furnish administrative support and staff as is necessary for the effective operation of these divisions.

Respectfully submitted,

Michael L. Parson

Governor

#### EXECUTIVE ORDER

19-03

WHEREAS, the Missouri Department of Economic Development is created pursuant to Article IV, Section 12 of the Missouri Constitution and Chapter 620, RSMo, and is charged with promoting the economy of the State, the economic development of the State, trade and business, and other activities and programs impacting the economy of the State; and

WHEREAS, the Missouri Department of Higher Education is created pursuant to Article IV, Section 12 of the Missouri Constitution and Chapter 173, RSMo, and is charged with coordinating higher education policy that fosters a quality post-secondary system, as well as increasing participation in Missouri's public institutions of higher education; and

WHEREAS, the Division of Workforce Development, located within the Department of Economic Development, is currently the state agency designated to receive federal Workforce Innovation and Opportunity Act (WIOA) and Wagner-Peyser funds, conduct job training programs and labor exchanges, and administer other federal and State workforce development programs pursuant to Section 620.010, RSMo; and

WHEREAS, the Division of Workforce Development and the Department of Higher Education have worked closely with each other in the past on issues relating to workforce development and higher education; and

WHEREAS, combining the post-secondary talent development functions of the Department of Higher Education and the Division of Workforce Development will result in better consolidation and coordination of the State's functions relating to workforce development and higher education and would benefit the citizens of the State by promoting efficient administration of post-secondary talent development functions; and

WHEREAS, the Missouri Economic Research and Information Center (MERIC), located within the Department of Economic Development's Division of Business and Community Services, compiles and analyzes labor market information that is essential to the effective and efficient administration of workforce development programs; and

WHEREAS, combining MERIC with the Department of Higher Education and the Division of Workforce Development would provide targeted labor market information and analyses critical to advancing Missouri's post-secondary talent development functions; and

WHEREAS, the transfer of the Division of Workforce Development from the Department of Economic Development to the Department of Higher Education will benefit the State of Missouri by enabling the Department of Economic Development to align itself around the core economic development activities of business and community development, while maintaining close coordination and partnership with the Division of Workforce Development and the Department of Higher Education; and

WHEREAS, the transfer of the Division of Workforce Development's customized job training programs to the newly created One Start division within the Department of Economic Development will promote economic growth and job creation; and

WHEREAS, the establishment of the Regional Engagement Division for business retention, expansion, and recruitment functions will enable the Department of Economic Development to better serve individuals and businesses in different regions of the State; and

WHEREAS, the establishment of the Strategy and Performance Division will enable the Department of Economic Development to enhance its long-term planning and use of data to more effectively carry out its internal and external operations; and

WHEREAS, the Division of Business and Community Services, located within the Department of Economic Development, provides finance and compliance functions and subject matter expertise crucial to helping Missouri's businesses and communities grow; and

WHEREAS, redesignating the Division of Business and Community Services as the Business and Community Solutions Division will more accurately reflect the Division's solutions-oriented nature and its mission of solving businesses' and communities' challenges across the State.

NOW THEREFORE, I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by

the Constitution and laws of the State of Missouri, do hereby:

1. Establish the Regional Engagement Division within the Department of Economic Development and transfer all of the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Business and Community Services relating to sales, marketing, and initial customer engagement for business retention and expansion and business recruitment functions to the Regional Engagement Division by Type I transfer, as defined under the Reorganization Act of 1974;
2. Establish the Strategy and Performance Division within the Department of Economic Development and transfer all of the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Department of Economic Development and the Division of Business and Community Services relating to economic analysis, communications and marketing, broadband development, departmental performance and improvement, legislative affairs, military asset support, and strategic initiatives to the Strategy and Performance Division by Type I transfer, as defined under the Reorganization Act of 1974;
3. Establish the One Start Division within the Department of Economic Development and transfer all of the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Workforce Development relating to customized job training programs to the One Start Division by Type I transfer, as defined under the Reorganization Act of 1974;
4. Redesignate the Division of Business and Community Services within the Department of Economic Development as the Business and Community Solutions Division in recognition of its solutions-oriented mission to support businesses and communities through economic development finance and compliance functions and subject matter expertise;
5. Transfer all powers, duties and responsibilities of the Division of Business and Community Services not otherwise transferred pursuant to this Executive Order to the redesignated Business and Community Solutions Division;
6. Transfer the Division of Workforce Development and all of its authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges, except as set forth herein, from the Department of Economic Development to the Department of Higher Education by Type I transfer, as defined under the Reorganization Act of 1974;
7. Transfer the Missouri Economic Research and Information Center (MERIC) and all of its authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges, from the Department of Economic Development to the Department of Higher Education by Type I transfer, as defined under the Reorganization Act of 1974;
8. Transfer all of the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Workforce Development relating to employer service representatives to the Regional Engagement Division by Type I transfer, as defined under the Reorganization Act of 1974;
9. Order the Department of Economic Development and the Department of Higher Education to develop the mechanisms and processes necessary to effectively complete the orders described herein; and
10. Order the Department of Economic Development and the Department of Higher Education to take the steps necessary to maintain compliance with federal requirements so as not to jeopardize federal financial participation with the transfers completed herein.

This order shall become effective no sooner than August 28, 2019, unless disapproved within sixty days of its submission to the First Regular Session of the 100th General Assembly.

Seal

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 17th day of January, 2019.

Michael L. Parson  
Governor

ATTEST:

John R. Ashcroft  
Secretary of State

## COMMUNICATIONS

President Pro Tem Schatz submitted the following:



January 22, 2019

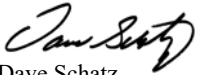
Ms. Adriane Crouse  
Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to RsMO 42.007, I am appointing Senator Wayne Wallingford to replace former Senator Dan Brown on the Missouri Veterans' Commission.

Please do not hesitate to contact my office if you have any questions.

Sincerely,



Dave Schatz  
President Pro Tem

Also,

January 22, 2019

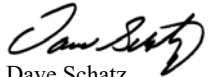
Ms. Adriane Crouse  
Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to RsMO 476.055, I am appointing Senator Bill White to replace former Senator Bob Dixon on the Court Automation Committee.

Please do not hesitate to contact my office if you have any questions.

Sincerely,



Dave Schatz  
President Pro Tem

On motion of Senator Rowden, the Senate adjourned under the rules.

## SENATE CALENDAR

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EIGHTH DAY—WEDNESDAY, JANUARY 23, 2019

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 91-Nasheed  
SB 92-Nasheed  
SB 93-Sifton  
SB 94-Sifton

SB 95-Sifton  
SB 96-Hegeman  
SB 97-Hegeman  
SB 98-Wieland

SB 99-Wieland	SB 149-Koenig
SB 100-Riddle	SB 150-Koenig
SB 101-Riddle	SB 151-Koenig
SB 102-Riddle	SB 152-Holsman
SB 103-Schupp	SB 153-Sifton
SB 104-Schupp	SB 154-Luetkemeyer
SB 105-Schupp	SB 155-Luetkemeyer
SB 106-Hoskins	SB 156-Wallingford
SB 107-Hoskins	SB 157-Wallingford
SB 108-Koenig	SB 158-Eigel
SB 109-Koenig	SB 159-Sifton
SB 110-Koenig	SB 160-Koenig
SB 111-Eigel	SB 161-Cunningham
SB 112-Eigel	SB 162-Schupp
SB 113-Eigel	SB 163-Schupp
SB 114-Crawford	SB 164-Schupp
SB 115-Crawford	SB 165-Eigel
SB 116-Cierpiot	SB 166-Crawford
SB 117-Cierpiot	SB 167-Crawford
SB 118-Cierpiot	SB 168-Wallingford
SB 119-Arthur	SB 169-Wallingford
SB 120-Burlison	SB 170-Schupp
SB 121-Burlison	SB 171-Schupp
SB 122-Burlison	SB 172-Schupp
SB 123-White	SB 173-Crawford
SB 124-Hough	SB 174-Crawford
SB 125-Hough	SB 175-Crawford
SB 126-Hough	SB 176-Hough
SB 127-Sater	SB 177-Hough
SB 128-Sater	SB 178-Schupp
SB 129-Sater	SB 179-Cunningham
SB 130-Emery	SB 180-Wallingford
SB 131-Emery	SB 182-Cierpiot, et al
SB 132-Emery	SB 183-Arthur
SB 133-Cunningham	SB 184-Wallingford
SB 134-Wallingford	SB 185-Wallingford
SB 135-Sifton	SB 186-Hegeman
SB 136-Sifton	SB 187-Eigel
SB 137-Sifton	SB 188-Eigel
SB 138-Riddle	SB 189-Crawford
SB 139-Koenig	SB 190-Onder
SB 140-Koenig	SB 191-Schupp
SB 141-Koenig	SB 192-Schupp
SB 142-Eigel	SB 193-Schupp
SB 143-Cierpiot	SB 194-Hoskins
SB 144-Burlison	SB 195-Hoskins
SB 145-Burlison	SB 196-Bernskoetter
SB 146-Burlison	SB 197-Onder
SB 147-Sater	SB 198-Onder
SB 148-Sifton	SB 199-Arthur

SB 200-Hough	SB 252-Wieland
SB 201-Romine	SB 253-Sater
SB 202-Romine	SB 254-Bernskoetter
SB 203-Nasheed	SB 255-Bernskoetter
SB 204-Riddle	SB 256-Hegeman
SB 205-Arthur	SB 257-Hoskins
SB 206-Arthur	SB 258-Wallingford
SB 207-Emery	SB 259-Romine
SB 208-Wallingford	SB 260-Onder
SB 209-May	SB 261-Nasheed
SB 210-May	SB 262-Sater
SB 211-Wallingford	SB 263-Schupp
SB 212-Sifton	SB 264-Crawford
SB 213-Hegeman	SB 265-Luetkemeyer
SB 215-Schupp	SB 266-Wieland
SB 216-Schupp	SB 267-Wieland
SB 217-Schupp	SB 268-Wieland
SB 218-Hoskins	SB 269-Eigel
SB 219-Hoskins	SB 270-White and Crawford
SB 220-Hoskins	SB 271-Emery
SB 221-Crawford	SB 272-Emery
SB 222-Hough	SB 273-Emery
SB 223-Brown	SB 274-Sater
SB 224-Luetkemeyer	SB 275-Sater
SB 225-Curls	SB 276-Rowden
SB 226-Sater	SB 277-Crawford
SB 227-Sater	SB 278-Wallingford
SB 228-Sater	SB 279-Onder
SB 229-Crawford	SB 280-Sater
SB 230-Crawford	SB 281-Brown
SB 231-Hough	SB 282-Brown
SB 232-Sater	SB 283-Hoskins
SB 233-Sater	SB 284-Hoskins
SB 234-White	SJR 1-Sater and Onder
SB 235-White	SJR 2-Emery
SB 236-White	SJR 3-Hegeman
SB 237-White	SJR 4-Eigel
SB 238-Emery	SJR 5-Eigel
SB 239-White	SJR 6-Eigel
SB 240-White	SJR 7-Cierpiot
SB 241-Rizzo	SJR 8-Cierpiot
SB 242-Walsh	SJR 9-Cierpiot
SB 243-Walsh	SJR 10-Burlison
SB 244-Walsh	SJR 11-Burlison
SB 245-Walsh	SJR 12-Eigel
SB 246-Hough	SJR 13-Holsman
SB 247-Hough	SJR 14-Luetkemeyer
SB 248-Brown	SJR 15-Holsman
SB 249-Koenig	SJR 16-Sifton
SB 250-Koenig	SJR 17-Nasheed
SB 251-Koenig	

INFORMAL CALENDAR

RESOLUTIONS

SR 20-Holsman

To be Referred

SCR 8-Holsman

SCR 9-Eigel

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# Journal of the Senate

## FIRST REGULAR SESSION

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### EIGHTH DAY—WEDNESDAY, JANUARY 23, 2019

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“O that today you would listen to his voice!” (Psalm 95:7b)

O Lord Almighty, grant that we may never lose the way through our self-will but remain obedient to accomplish what You have set before us. May our hearts long for goodness and never abandon the struggles we are required to walk through. So keep us in Your eye sight and by Your grace may we not fail You nor the people You would have us serve. And grant O Lord that we may never fail You so that we find freedom and in doing Your will, peace. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator O’Laughlin offered Senate Resolution No. 74, regarding City of Hannibal, which was adopted.

Senator Libla offered Senate Resolution No. 75, regarding Three Rivers College, Poplar Bluff, which was adopted.

Senator Libla offered Senate Resolution No. 76, regarding Southeast Health Center Stoddard County Auxiliary, which was adopted.

Senator Libla offered Senate Resolution No. 77, regarding William T. Kane, DDS, MBA, which was adopted.

Senator Libla offered Senate Resolution No. 78, regarding LeeAnn Nelson, which was adopted.

Senator Libla offered Senate Resolution No. 79, regarding Bootheel Tool and Machine, which was adopted.

Senator Libla offered Senate Resolution No. 80, regarding The Metro Gallery and The Powder Room, which was adopted.

Senator Rowden offered the following resolution:

SENATE RESOLUTION NO. 81

WHEREAS, the Administration Committee is required by law to establish the rates of pay each year, and

WHEREAS, such rates of pay are to be the same as those established under the policies of the Personnel Division of the Office of Administration for comparable duties after examination of the rates of pay then in effect, and

WHEREAS, the rates of pay established shall become effective in January.

NOW, THEREFORE, BE IT RESOLVED by the Committee on Administration that the number, classification and rates of pay authorized for employees of the Senate shall include one department director and seven division level directors to be compensated according to Office of Administration guidelines; and the following authorized employees at rates of pay within the ranges hereby established.

<u>NO.</u>	<u>CLASSIFICATION</u>	<u>MONTHLY SALARY RANGE</u>
1	Administrative Assistant	3,432 - 5,556
0.5	Security Specialist	3,696 - 5,440
1	Accounting Specialist	2,970 - 4,176
1	Human Resources Specialist	3,432 - 5,556
6	Administrative/Office Support	3,432 - 5,556
4	Budget Research Analyst II	3,432 - 5,007
1	Budget Research Analyst III	4,071 - 5,917
1	Budget Staff Secretary	2,868 - 4,710
1	Assistant Director - CIS	4,850 - 5,810
3	Computer Information Technologist II	3,000 - 4,710
1	Computer Information Technology Specialist I	2,500 - 4,199
6	Computer Information Technology Specialist II	4,200 - 6,200
1	Assistant Director - Communications	4,250 - 6,888
4	Public Information Specialist I	2,548 - 3,565
2	Resolution Writer	2,868 - 4,071
1	Multimedia Specialist	2,250 - 4,523
1	Photographer	2,868 - 5,250
7	Staff Attorney	4,042 - 6,561
1	Research Analyst	3,432 - 5,007
4	Research Staff Secretary	2,868 - 4,710
1	Assistant Secretary of Senate	4,432 - 6,250

<u>NO.</u>	<u>CLASSIFICATION</u>	<u>MONTHLY SALARY RANGE</u>
1.5	Deputy Secretary of Senate	2,548 - 4,500
1	Enrolling & Engrossing Supervisor	3,432 - 5,556
3	Enrolling & Engrossing Clerk	2,548 - 4,500
1	Legislative Clerk	2,868 - 4,500
2	Journal Production Clerks	2,548 - 4,176
1	Billroom Supervisor	2,548 - 3,565
1	Billroom Clerk	2,195 - 3,500
0.5	Sergeant-at-Arms (Elected)	2,679 - 3,696
6	Assistant Doorkeeper	1,807 - 2,338
0.5	Reading Clerk	1,713 - 2,159
0.25	Chaplain	1,150 - 2,542
1	Network/Communications Specialist	4,071 - 6,500
2	Mailroom/Print Shop Technician	2,548 - 3,565
1	Mailroom Technician II	2,195 - 3,015
1	Printing Services Technician III	2,389 - 3,309
2	Printing Services Technician IV	2,679 - 3,696
1	Maintenance Supervisor	2,868 - 4,071
2.5	Maintenance Worker II	2,679 - 3,696
0.5	Carpenter II	2,500 - 3,500
0.5	Investigator	3,432 - 5,007
1	Library Administrator	3,696 - 5,440
1	Library Clerk	2,465 - 3,432

BE IT FURTHER RESOLVED the Senate Administration Committee is authorized to establish a formula setting forth the maximum amount which may be expended by each Senator and each caucus for the employment of Administrative and Clerical Assistants. Each Senator plus the President Pro Tem and The Minority Leader on behalf of their caucus will be notified of the funds available, and shall thereafter certify to the Senate Administrator the names and addresses of Administrative and Clerical Assistants. The compensation paid to the Senators' and caucus administrative and clerical assistants shall be within the limits of the categories set forth hereinabove.

BE IT FURTHER RESOLVED the Senate Administrator, with the approval of the Senate Administration Committee, shall have the authority to cooperate and coordinate with the Chief Clerk of the House in the selection of employees, who shall be assigned to the garage, Joint Committee Staffs and the rotunda area, and who will be paid from the Joint House and Senate Contingent Fund, within the limits of the categories set out above.

BE IT FURTHER RESOLVED the Senate Administrator, on behalf of the Committee on Administration, has the authority to reduce, increase, combine or consolidate positions and salaries where necessary to meet changed conditions or circumstances which arise, and the Committee on Administration may enter into contracts with consultants, provided such consultant's contract fee does not exceed the salary for the comparable position, and such consultant shall count as an employee of the Senate.

BE IT FURTHER RESOLVED the Senate Administration Committee is authorized to adjust the foregoing pay ranges to reflect implementation of the state pay plan.

Senator Rowden requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 81** up for adoption, which request was granted.

On motion of Senator Rowden, **SR 81** was adopted.

Senator Wallingford offered Senate Resolution No. 82, regarding Darin Haggett, Patterson, which was adopted.

**SECOND READING OF CONCURRENT RESOLUTIONS**

The following concurrent resolution was read the 2nd time and referred to the Committee indicated:

**SCR 8**—Rules, Joint Rules, Resolutions and Ethics.

**REFERRALS**

President Pro Tem Schatz referred **SCR 9** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

**CONCURRENT RESOLUTIONS**

Senator Rowden offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 10**

Whereas, Section 29.351 of the Revised Statutes of Missouri provides that during the regular legislative session which convenes in an odd-numbered year, the General Assembly shall, by concurrent resolution, employ an independent certified public accountant or certified public accounting firm to conduct an audit examination of the accounts, functions, programs, and management of the State Auditor's office:

Now Therefore Be It Resolved that the members of the Missouri Senate, One-Hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby authorize the employment of an independent certified public accountant or certified public accounting firm pursuant to the provisions of Section 29.351; and

Be It Further Resolved that the audit examination be made in accordance with generally accepted auditing standards, including such reviews and inspections of books, records and other underlying data and documents as are necessary to enable the independent certified public accountant performing the audit to reach an informed opinion on the condition and performance of the accounts, functions, programs, and management of the State Auditor's Office; and

Be It Further Resolved that upon completion of the audit, the independent certified public accountant make a written report of his or her findings and conclusions, and supply each member of the General Assembly, the Governor, and the State Auditor with a copy of the report; and

Be It Further Resolved that the cost of the audit and report be paid out of the joint contingent fund of the General Assembly; and

Be It Further Resolved that the Commissioner of Administration bid these services, at the direction of the General Assembly, pursuant to state purchasing laws; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Commissioner of Administration.

Senator Hough offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 11**

Relating to designating every November as National American History and Founders Month

Whereas, as we approach our Nation's 250th anniversary in 2026, there is a clear need to empower Americans to be active citizens through greater understanding of our Nation's early history, its founders, and the civic duties within the American experience; and

Whereas, the period beginning with the onset of the American Revolution in 1775 through 1791 encapsulates the events and people responsible for establishing and shaping our country's future. The American Revolution (1775-1783) is one of the most defining events in modern history, both as the rebellion against Great Britain and as the creation of a self-governing and sovereign nation. The Declaration of Independence, the Constitution, and the Bill of Rights will forever set our Nation apart from all others. Our electoral system, our three branches of government in the form of an elected President, an elected Congress, and an independent Supreme Court are well-established and sustaining. These have all set a long enduring, unique and remarkable precedent that many other nations over the past two centuries have sought to replicate; and

Whereas, the purpose of National American History and Founders Month is to create a tradition of educating and celebrating the founding history of our country for all Americans. Furthermore, while there are holidays celebrating key events, leaders, and groups responsible for creating and shaping our Nation, there is no official recognition or formal commemoration of our Nation's early history, its founders and its governmental system. This new recognition and focus offers all Americans an occasion to appreciate the struggle to create a new nation,



the founders who pioneered how this new nation should be governed, and the civic duties of its citizens:

Now Therefore Be It Resolved that the members of the Missouri Senate, One-hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby proclaim each November as “National American History and Founders Month”, and urge public officials at the state and local levels, educators in schools, colleges and universities, librarians, and all the people in the state of Missouri to observe this month with appropriate programs, ceremonies, and activities, and to reaffirm their devotion to the principles of freedom and the common history and heritage shared by all Americans; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to send a properly inscribed copy of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

### **INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were read the 1st time and ordered printed:

**SB 285**—By Hough.

An Act to repeal sections 347.179, 347.183, 358.460, and 358.470, RSMo, and to enact in lieu thereof seventeen new sections relating to the regulation of certain business organizations, with existing penalty provisions.

**SB 286**—By Hough.

An Act to amend chapter 528, RSMo, by adding thereto eleven new sections relating to the partition of property among heirs.

**SB 287**—By Wieland.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to a qualifying life event for a special enrollment period.

**SB 288**—By Wieland.

An Act to repeal section 565.030, RSMo, and to enact in lieu thereof one new section relating to jury instructions for the offense of murder in the first degree.

**SB 289**—By Wieland.

An Act to amend chapter 386, RSMo, by adding thereto eighteen new sections relating to financing for electrical corporations.

**SB 290**—By Brown.

An Act to repeal section 302.720, RSMo, and to enact in lieu thereof one new section relating to commercial driver’s licenses.

**SB 291**—By Wallingford.

An Act to repeal sections 190.292, 190.335, 190.460, and 650.330, RSMo, and to enact in lieu thereof four new sections relating to emergency communication services.

**SB 292**—By Eigel.

An Act to repeal sections 160.400, 160.405, 160.408, 160.410, 160.415, and 160.425, RSMo, and

to enact in lieu thereof eight new sections relating to charter schools.

**SJR 18**—By Cunningham.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VII of the Constitution of Missouri, by adding thereto one new section relating to the verification of the immigration status of certain persons.

## **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 91**—Transportation, Infrastructure and Public Safety.

**SB 92**—Insurance and Banking.

**SB 93**—Judiciary and Civil and Criminal Jurisprudence.

**SB 94**—Transportation, Infrastructure and Public Safety.

**SB 95**—Small Business and Industry.

**SB 96**—Government Reform.

**SB 97**—Economic Development.

**SB 98**—Insurance and Banking.

**SB 99**—Insurance and Banking.

**SB 100**—Government Reform.

**SB 101**—Seniors, Families and Children.

**SB 102**—Transportation, Infrastructure and Public Safety.

**SB 103**—Insurance and Banking.

**SB 104**—Health and Pensions.

**SB 105**—General Laws.

**SB 106**—Seniors, Families and Children.

**SB 107**—Agriculture, Food Production and Outdoor Resources.

**SB 108**—Ways and Means.

**SB 109**—Local Government and Elections.

**SB 110**—Health and Pensions.

**SB 111**—Transportation, Infrastructure and Public Safety.

**SB 112**—Ways and Means.

**SB 113**—Local Government and Elections.

**SB 114**—Small Business and Industry.

**SB 115**—Agriculture, Food Production and Outdoor Resources.

**SB 116**—Economic Development.

**SB 117**—Professional Registration.

**SB 118**—Small Business and Industry.

**SB 119**—Transportation, Infrastructure and Public Safety.

**SB 120**—Transportation, Infrastructure and Public Safety.

**SB 121**—Transportation, Infrastructure and Public Safety.

**SB 122**—General Laws.

**SB 123**—Judiciary and Civil and Criminal Jurisprudence.

**SB 124**—Health and Pensions.

**SB 125**—Local Government and Elections.

**SB 126**—Commerce, Consumer Protection, Energy and the Environment.

**SB 127**—Seniors, Families and Children.

**SB 128**—Appropriations.

**SB 129**—Transportation, Infrastructure and Public Safety.

**SB 130**—Education.

**SB 131**—Commerce, Consumer Protection, Energy and the Environment.

**SB 132**—Government Reform.

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 448 & 206**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **INTRODUCTIONS OF GUESTS**

Senator Hoskins introduced to the Senate, Markus Ahrens, Mike Croghan, Tom Hilton and Stephanie Richter, St. Louis; Sondra DePriest, Savannah; Rachel Dwiggin, Kansas City; John Gamble, Nixa; Gary Johnson, Ozark; Bob Letterman, Lee's Summit; Tiffany Letterman, Stover; Lorne Meinershagen,

Oak Grove; Nick Myers, Joplin; Jim O'Hallaron, Kirkwood; Chris Slinkard, Diamond; Phil Slinkard, Neosho, and Bob Whelan, Poplar Bluff; representatives of the Missouri Society of Certified Public Accountants.

Senator Hoskins introduced to the Senate, Stephanie Gooden, and her family, Shane, Nikki, Andi and Jaxson, Saline County.

Senator Hegeman introduced to the Senate, Randy and Angela Huffman, Galt.

Senator Nasheed introduced to the Senate, Keshee Dent and Eddie Ross, St. Louis.

Senator Romine introduced to the Senate, Robert Walsh, Ste. Genevieve.

Senator White introduced to the Senate, Linda Scorse and Jerrod Hogan, Joplin; Phillip Slinkard, Carthage; and Nick Myers, Anderson.

Senator Williams introduced to the Senate, the Physician of the Day, Dr. Garry Gaddis, University City.

Senator Eigel introduced to the Senate, Dr. Timothy Larson, Weldon Spring.

Senator Curls introduced to the Senate, Bob Kendrick, Kansas City.

Senator Holsman introduced to the Senate, Dr. Merle A. Nunemaker; and Jill Bleything, Aaron Bumann, Fred Drummond and Dr. Jim Koelbl, representatives of the University of Missouri, Kansas City.

Senator Luetkemeyer introduced to the Senate, Lee Tieman, St. Joseph

Senator Libla introduced to the Senate, Robert Whelan, and Andrew and Mandy Moore, Poplar Bluff.

On motion of Senator Rowden, the Senate adjourned under the rules.

## SENATE CALENDAR

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NINTH DAY—THURSDAY, JANUARY 24, 2019

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 133-Cunningham

SB 134-Wallingford

SB 135-Sifton

SB 136-Sifton

SB 137-Sifton

SB 138-Riddle

SB 139-Koenig

SB 140-Koenig

SB 141-Koenig	SB 182-Cierpiot, et al
SB 142-Eigel	SB 183-Arthur
SB 143-Cierpiot	SB 184-Wallingford
SB 144-Burlison	SB 185-Wallingford
SB 145-Burlison	SB 186-Hegeman
SB 146-Burlison	SB 187-Eigel
SB 147-Sater	SB 188-Eigel
SB 148-Sifton	SB 189-Crawford
SB 149-Koenig	SB 190-Onder
SB 150-Koenig	SB 191-Schupp
SB 151-Koenig	SB 192-Schupp
SB 152-Holsman	SB 193-Schupp
SB 153-Sifton	SB 194-Hoskins
SB 154-Luetkemeyer	SB 195-Hoskins
SB 155-Luetkemeyer	SB 196-Bernskoetter
SB 156-Wallingford	SB 197-Onder
SB 157-Wallingford	SB 198-Onder
SB 158-Eigel	SB 199-Arthur
SB 159-Sifton	SB 200-Hough
SB 160-Koenig	SB 201-Romine
SB 161-Cunningham	SB 202-Romine
SB 162-Schupp	SB 203-Nasheed
SB 163-Schupp	SB 204-Riddle
SB 164-Schupp	SB 205-Arthur
SB 165-Eigel	SB 206-Arthur
SB 166-Crawford	SB 207-Emery
SB 167-Crawford	SB 208-Wallingford
SB 168-Wallingford	SB 209-May
SB 169-Wallingford	SB 210-May
SB 170-Schupp	SB 211-Wallingford
SB 171-Schupp	SB 212-Sifton
SB 172-Schupp	SB 213-Hegeman
SB 173-Crawford	SB 215-Schupp
SB 174-Crawford	SB 216-Schupp
SB 175-Crawford	SB 217-Schupp
SB 176-Hough	SB 218-Hoskins
SB 177-Hough	SB 219-Hoskins
SB 178-Schupp	SB 220-Hoskins
SB 179-Cunningham	SB 221-Crawford
SB 180-Wallingford	SB 222-Hough

SB 223-Brown	SB 263-Schupp
SB 224-Luetkemeyer	SB 264-Crawford
SB 225-Curls	SB 265-Luetkemeyer
SB 226-Sater	SB 266-Wieland
SB 227-Sater	SB 267-Wieland
SB 228-Sater	SB 268-Wieland
SB 229-Crawford	SB 269-Eigel
SB 230-Crawford	SB 270-White and Crawford
SB 231-Hough	SB 271-Emery
SB 232-Sater	SB 272-Emery
SB 233-Sater	SB 273-Emery
SB 234-White	SB 274-Sater
SB 235-White	SB 275-Sater
SB 236-White	SB 276-Rowden
SB 237-White	SB 277-Crawford
SB 238-Emery	SB 278-Wallingford
SB 239-White	SB 279-Onder and Emery
SB 240-White	SB 280-Sater
SB 241-Rizzo	SB 281-Brown
SB 242-Walsh	SB 282-Brown
SB 243-Walsh	SB 283-Hoskins
SB 244-Walsh	SB 284-Hoskins
SB 245-Walsh	SB 285-Hough
SB 246-Hough	SB 286-Hough
SB 247-Hough	SB 287-Wieland
SB 248-Brown	SB 288-Wieland
SB 249-Koenig	SB 289-Wieland
SB 250-Koenig	SB 290-Brown
SB 251-Koenig	SB 291-Wallingford
SB 252-Wieland	SB 292-Eigel
SB 253-Sater	SJR 1-Sater and Onder
SB 254-Bernskoetter	SJR 2-Emery
SB 255-Bernskoetter	SJR 3-Hegeman
SB 256-Hegeman	SJR 4-Eigel
SB 257-Hoskins	SJR 5-Eigel
SB 258-Wallingford	SJR 6-Eigel
SB 259-Romine	SJR 7-Cierpiot
SB 260-Onder	SJR 8-Cierpiot
SB 261-Nasheed	SJR 9-Cierpiot
SB 262-Sater	SJR 10-Burlison

SJR 11-Burlison  
SJR 12-Eigel  
SJR 13-Holsman  
SJR 14-Luetkemeyer

SJR 15-Holsman  
SJR 16-Sifton  
SJR 17-Nasheed  
SJR 18-Cunningham

HOUSE BILLS ON SECOND READING

HCS for HBs 448 & 206

INFORMAL CALENDAR

RESOLUTIONS

SR 20-Holsman

To be Referred

SCR 10-Rowden

SCR 11-Hough

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# Journal of the Senate

## FIRST REGULAR SESSION

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**NINTH DAY—THURSDAY, JANUARY 24, 2019**

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The Senate met pursuant to adjournment.

Senator Onder in the Chair.

Reverend Carl Gauck offered the following prayer:

“O taste and see that the Lord is good; happy are those who take refuge in him.” (Psalm 34:8)

Gracious God, we are thankful that You continue to provide us with Your loving kindness so we may truly know the happiness that is before us. Let us share this joy and happiness You have given us with those we love and may we extend Your glow of caring with those we meet this weekend and join in praise and thanksgiving in Your house of prayer. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

**Present—Senators**

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

**Absent—Senators—None**

**Absent with leave—Senator Nasheed—1**

**Vacancies—None**

## **RESOLUTIONS**

Senator Hegeman offered Senate Resolution No. 83, regarding Alex Smith, Parnell, which was adopted.

Senator Hegeman offered Senate Resolution No. 84, regarding Kaci Persell, Trenton, which was adopted.



Senator White offered Senate Resolution No. 85, regarding Remy Braun, Carthage, which was adopted.

Senator Onder offered Senate Resolution No. 86, regarding Lauren Haley, Dardenne Prairie, which was adopted.

Senator Sater offered Senate Resolution No. 87, regarding Clarence Bradley “Brad” Ruggles, Cassville, which was adopted.

Senator Hoskins offered Senate Resolution No. 88, regarding Kyle Gann, Marshall, which was adopted.

Senator Hoskins offered Senate Resolution No. 89, regarding Nicholas Newton, Marshall, which was adopted.

Senator Schatz offered Senate Resolution No. 90, regarding Wesley Tyree, Sullivan, which was adopted.

Senator Riddle offered Senate Resolution No. 91, regarding Detective Mark Edwards, which was adopted.

Senator Cunningham offered Senate Resolution No. 92, regarding Pierce Ford, Licking, which was adopted.

Senator Cunningham offered Senate Resolution No. 93, regarding Kaitlyn Davis, Summersville, which was adopted.

Senator Schatz offered Senate Resolution No. 94, regarding Eagle Scout Michael Sebastian Laurentius, Chesterfield, which was adopted.

Senator Rowden offered Senate Resolution No. 95, regarding Ryli Jetton, Ashland, which was adopted.

Senator Rowden offered Senate Resolution No. 96, regarding Haley Acton, Hallsville, which was adopted.

Senator Rowden offered Senate Resolution No. 97, regarding Shelby Manning, Pilot Grove, which was adopted.

Senator Rowden offered Senate Resolution No. 98, regarding Kellen Smith, Columbia, which was adopted.

Senator Brown offered Senate Resolution No. 99, regarding Evan Howard, Rolla, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 100, regarding Girl Scout Brownie Troop 2801, Kansas City, which was adopted.

Senator Riddle offered Senate Resolution No. 101, regarding Chloe Momphard, Troy, which was adopted.

Senator Riddle offered Senate Resolution No. 102, regarding Regan Ragsdale, Holliday, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 103, regarding Adriene Aubuchon, Owensville, which was adopted.

Senator Riddle offered Senate Resolution No. 104, regarding Madison Bader, Hermann, which was adopted.

Senator Libla offered Senate Resolution No. 105, regarding Quentin Carlyle, East Prairie, which was

adopted.

Senator Hoskins offered Senate Resolution No. 106, regarding Shelby Davies, Dawn, which was adopted.

Senator Hegeman offered Senate Resolution No. 107, regarding Madelyn Derks, King City, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 108, regarding Hattie Grisham, Eldon, which was adopted.

Senator Hoskins offered Senate Resolution No. 109, regarding Alexandria Lock, Carrollton, which was adopted.

Senator Sater offered Senate Resolution No. 110, regarding McKenzie Loftis, Mount Vernon, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 111, regarding Audrey Martin, Bucklin, which was adopted.

Senator White offered Senate Resolution No. 112, regarding Andi Montgomery, Everton, which was adopted.

Senator Emery offered Senate Resolution No. 113, regarding Paxton Dahmer, Nevada, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 114, regarding Dillon Reinitz, Brunswick, which was adopted.

Senator Rowden offered Senate Resolution No. 115, regarding Ryan Siegel, Otterville, which was adopted.

Senator Hoskins offered Senate Resolution No. 116, regarding Hannah Viets, Sweet Springs, which was adopted.

Senator Riddle offered Senate Resolution No. 117, regarding Mckenzie Branson, Warrenton, which was adopted.

Senator Emery offered Senate Resolution No. 118, regarding Kaitlyn Davis, Lamar, which was adopted.

Senator Brown offered Senate Resolution No. 119, regarding Bethany Donnell, Davisville, which was adopted.

Senator Rowden offered Senate Resolution No. 120, regarding Justin Eddy, Rocheport, which was adopted.

Senator Wallingford offered Senate Resolution No. 121, regarding Morgan Crutsinger, Whitewater, which was adopted.

Senator Emery offered Senate Resolution No. 122, regarding Brendon Engeman, Montrose, which was adopted.

Senator Crawford offered Senate Resolution No. 123, regarding Logan Phillips, Lebanon, which was adopted.

Senator Koenig offered Senate Resolution No. 124, regarding Anushka Ramgounda, Ballwin, which

was adopted.

Senator Hegeman offered Senate Resolution No. 125, regarding Anderson Rogers, Bethany, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 126, regarding Zachary Rosenkrans, Palmyra, which was adopted.

Senator Wallingford offered Senate Resolution No. 127, regarding Nevin Sharkey, Sikeston, which was adopted.

Senator Hoskins offered Senate Resolution No. 128, regarding Kara Smith, Warrensburg, which was adopted.

Senator Schatz offered Senate Resolution No. 129, regarding Rachel Smith, Villa Ridge, which was adopted.

Senator Hoskins offered Senate Resolution No. 130, regarding Morgan Starbuck, Warrensburg, which was adopted.

Senator Sater offered Senate Resolution No. 131, regarding Blake Wright, Verona, which was adopted.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 293**—By Hough.

An Act to amend chapter 569, RSMo, by adding thereto one new section relating to criminal offenses involving critical infrastructure facilities, with penalty provisions and an emergency clause.

**SB 294**—By Hough.

An Act to repeal section 287.067, RSMo, and to enact in lieu thereof two new sections relating to workers’ compensation for firefighters.

**SB 295**—By Hough.

An Act to repeal section 168.133, RSMo, and to enact in lieu thereof one new section relating to criminal background checks for volunteers at elementary and secondary education facilities.

**SB 296**—By Cierpiot.

An Act to repeal section 386.020, RSMo, and to enact in lieu thereof one new section relating to electric vehicle charging stations.

**SB 297**—By White.

An Act to repeal section 494.430, RSMo, and to enact in lieu thereof one new section relating to jury duty.

**SB 298**—By White.

An Act to repeal sections 374.500, 376.1350, 376.1356, 376.1363, 376.1372, 376.1385, and 376.1387, RSMo, and to enact in lieu thereof ten new sections relating to payments for health care services.

**SB 299**—By Rizzo and Holsman.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to income tax, with an emergency clause.

**SB 300**—By Eigel.

An Act to repeal section 139.031, RSMo, and to enact in lieu thereof one new section relating to protested taxes.

**SB 301**—By Eigel.

An Act to repeal sections 70.220, 160.405, and 355.846, RSMo, and to enact in lieu thereof four new sections relating to not for profit entities.

**SB 302**—By Wallingford.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health carrier reimbursements.

**SB 303**—By Riddle.

An Act to amend chapter 334, RSMo, by adding thereto seven new sections relating to radiologic imaging and radiation therapy licensure, with penalty provisions.

**SB 304**—By Riddle.

An Act to repeal sections 2.020, 2.110, and 193.225, RSMo, and to enact in lieu thereof three new sections relating to the preservation of records by the secretary of state.

**SB 305**—By Riddle.

An Act to repeal section 210.192, 210.194, and 210.195, RSMo, and to enact in lieu thereof three new sections relating to child fatality review panels.

## **CONCURRENT RESOLUTIONS**

Senator Sater offered the following concurrent resolution:

### **SENATE CONCURRENT RESOLUTION NO. 12**

Whereas, on April 19, 1775, the Continental Army engaged in the first battles of the Revolutionary War, known as the Battles of Lexington and Concord. The battles marked the outbreak of open armed conflict between the Kingdom of Great Britain and thirteen of its colonies on the mainland of British America to establish American independence; and

Whereas, the first Militia units, transforming into today's National Guard, were established in the Massachusetts Bay Colonies on December 13, 1636, armed to protect American citizens; and

Whereas, between 1775 and today over 41 million Americans have served in the Armed Forces of the United States, in addition to countless Militiamen between 1636 and 1775; and

Whereas, the United States has suffered casualties of over 1.4 million men and women, including scores of Missouri citizens, who have made the ultimate sacrifice defending democracy and freedom; and

Whereas, the families who have lost immediate relatives in the support of military operations, known as Gold Star Families, are also tragedies of war and armed conflict; and

Whereas, the people of Missouri wish to properly honor our military men and women who gave their lives in the service of our country, and thank their families for their sacrifice and bravery, recognizing that no one has given more for the nation than the families of the fallen; and

Whereas, war memorials perpetuate the appreciation and legacy of our fallen hero warriors and their families present and past and educate communities about the price paid for our way of life; and

Whereas, the purpose of the Gold Star Families Memorial Monument is to honor Gold Star families, relatives, and Gold Star children who have sacrificed and lost loved ones in the service of their country, and who stand as a stark reminder that freedom is not free; and

Whereas, it is appropriate to honor the fallen warriors and their families from the state of Missouri by recognizing the Gold Star Families Memorial Monument, which has been constructed and dedicated on the College of the Ozarks campus, as the official Gold Star Families Memorial Monument of the state of Missouri:

Now Therefore Be It Resolved that the members of the Missouri Senate, One-hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby recognize the Gold Star Families Memorial Monument, at the College of the Ozarks campus in Point Lookout, Missouri, as the official Gold Star Families Memorial Monument of Missouri; and

Be It Further Resolved that the Missouri Department of Transportation is urged to prepare and establish appropriate highway signage to recognize the location and direction to the Missouri Gold Star Families Memorial Monument and the Missouri Vietnam Veterans Memorial; such highway signage and any additional signs shall be paid for by the College of the Ozarks; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the president of the College of the Ozarks, the Veterans and Military Coalition of the Ozarks in Branson, Missouri, and the Missouri Department of Transportation.

Senator Emery offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 13

Whereas, for nearly two thousand years, the Bible has been a cornerstone of Western civilization, its content permeating nearly all aspects of culture, manifesting itself most notably in literature, music, art, drama, public discourse, and philosophy; and

Whereas, wisdom literature from the Bible, which has an emphasis on good character, has been taught for three thousand years but not for the last fifty years by accident; and

Whereas, forty studies have documented a correlation between improved school grades for children and the teaching of the biblical character of love, integrity, compassion, and self-discipline; and

Whereas, biblical references abound in the works of Western literature, including those of William Shakespeare and John Milton, and allusions to biblical themes and characters have been used effectively by writers as diverse as Dante Alighieri and Toni Morrison; and

Whereas, the Bible has been a source for public discourse and policy both past and present, and great leaders, including George Washington, Abraham Lincoln, and Martin Luther King, Jr., inspired entire generations by including biblical references and language in their speeches; and

Whereas, the English language itself is so filled with biblical vocabulary, themes, terms, and allusions that it cannot be fully understood and appreciated by individuals unfamiliar with the Bible, depriving them of much of the richness of the language; and

Whereas, a report on Bible literacy, which included findings from a Gallup Poll survey on American teenagers' knowledge of the Bible, found that American high school students are deficient in their academic knowledge of the Bible and that this deficiency is a limiting factor in their ability to study literature and to understand art, music, history, and culture; and

Whereas, United States Supreme Court Justice Tom Clark, in the 1963 case *Abington v. Schempp*, wrote that "it might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization." He further wrote "that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistently with the First Amendment"; and

Whereas, in a document entitled *The Bible & Public Schools, a First Amendment Guide*, twenty diverse groups, including the National School Boards Association, American Federation of Teachers, National Education Association, Christian groups, Jewish groups, and secular groups, all agreed that the Bible can and should be taught in public schools as long as such teaching is academic and not devotional in nature, demonstrates an awareness of the religious nature of the Bible but does not press students to accept religion, does not engage in the practice of religion, neither encourages or discourages differing religious views, and does not ask students to conform to any religious belief; and

Whereas, George Gallup polling and other research over the years has shown that more than two-thirds of the American public believe the Bible should be taught in public schools as part of the curriculum in literature courses, social studies courses, or both literature and social studies courses; and

Whereas, the general assembly realizes the academic advantage to students of a basic familiarity with the Bible:

Now Therefore Be It Resolved that the members of the Missouri Senate, One-hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby:

(1) Encourage public high schools in Missouri to:

(a) Offer to students in grade nine or above:

a. An elective course on the Hebrew Scriptures (Old Testament) and their influence and an elective course on the New Testament and its influence; or

b. An elective course that combines the courses described above; and

(b) Require that all world literature courses include a three-week session on wisdom literature from the Bible, as has been done for three thousand years;

(2) Declare that the purpose of the courses described above is to teach students the biblical content, characters, and narratives of the Bible that are prerequisites to understanding contemporary society and culture, along with the role the Bible has played in the development of literature, art, music, culture, and public discourse;

(3) Urge the offering of the courses described above only if the courses:

(a) Do not endorse, favor, or promote, or disfavor or discourage, any particular religion or nonreligious faith or religious perspective;

(b) Are taught by state-certified literature or social studies teachers who have been selected without inquiry into their religious beliefs or lack thereof;

© Allow students to choose their preferred translation of the Hebrew Scriptures or the New Testament; and

(d) Award students the same number of course credits that are awarded for other courses of similar duration;

(4) Urge the offering of the courses described above only if school districts make teacher training available to teachers of the courses so that they are made aware of the best practices involved in teaching the Bible in a public school setting; and

(5) Declare that no state entity, school district, or local educational agency should prevent the teaching of courses or classes on the Bible so long as those courses meet guidelines consistent with the First Amendment; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for each school district in Missouri.

## **REPORTS OF STANDING COMMITTEES**

Senator Schatz, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Carol S. Comer and Larry J. Lehman, as members of the Interstate Mining Compact Commission;

Also,

Carol S. Comer, as a member and Tiffany Drake, as an alternate member of the Midwest Interstate Low-Level Radioactive Waste Compact Commission;

Also,

Stephanie Gooden, Republican, as Commissioner of the Saline County Northern District Commission;

Also,

James Leo Gray, III, as a member of the State Board of Pharmacy;

Also,

Jerrod L. Hogan, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects;

Also,

Randy Huffman, Republican, as Commissioner of the Sullivan County Western District Commission;

Also,

Maynard “Bill” Jones, Democrat and Linda J. Scorse, Republican, as members of the Missouri Veterinary Medical Board;

Also,

Jon M. Kempker, as a member of the Child Abuse and Neglect Review Board;

Also,

Timothy D. Larson, as a member of the Missouri Dental Board;

Also,

Andrew T. Moore, Republican, as a member of the State Board of Embalmers and Funeral Directors;

Also,

Sheila Barrett Ray, Robert P. Walsh and Julie A. Miller, as members of the Missouri State Board of Nursing;

Also,

Phillip L. Slinkard and Robert J. Whelan, as members of the Missouri State Board of Accountancy; and

Leroy C. Tieman, Republican, as a member of the Missouri Western State University Board of Governors.

Senator Schatz requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Schatz moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

## **SECOND READING OF SENATE BILLS**

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

**SB 133**—Agriculture, Food Production and Outdoor Resources.

**SB 134**—Commerce, Consumer Protection, Energy and the Environment.

**SB 135**—Government Reform.

**SB 136**—Judiciary and Civil and Criminal Jurisprudence.

**SB 137**—Transportation, Infrastructure and Public Safety.

**SB 138**—Professional Registration.

**SB 139**—Health and Pensions.

**SB 140**—General Laws.

**SB 141**—Ways and Means.

**SB 142**—Seniors, Families and Children.

- SB 143**—Local Government and Elections.
- SB 144**—General Laws.
- SB 145**—General Laws.
- SB 146**—General Laws.
- SB 147**—Transportation, Infrastructure and Public Safety.
- SB 148**—Rules, Joint Rules, Resolutions and Ethics.
- SB 149**—Government Reform.
- SB 150**—Government Reform.
- SB 151**—Ways and Means.
- SB 152**—Progress and Development.
- SB 153**—Professional Registration.
- SB 154**—Small Business and Industry.
- SB 155**—Seniors, Families and Children.
- SB 156**—Small Business and Industry.
- SB 157**—Small Business and Industry.
- SB 158**—Transportation, Infrastructure and Public Safety.
- SB 159**—Judiciary and Civil and Criminal Jurisprudence.
- SB 160**—Ways and Means.
- SJR 1**—Local Government and Elections.
- SJR 2**—Judiciary and Civil and Criminal Jurisprudence.
- SJR 3**—Government Reform.
- SJR 4**—Appropriations.
- SJR 5**—Local Government and Elections.
- SJR 6**—Appropriations.
- SJR 7**—Local Government and Elections.
- SJR 8**—Local Government and Elections.
- SJR 9**—Local Government and Elections.
- SJR 10**—Appropriations.
- SJR 11**—Local Government and Elections.
- SJR 12**—Local Government and Elections.



**SJR 13**—Rules, Joint Rules, Resolutions and Ethics.

**SJR 14**—Local Government and Elections.

**SJR 15**—Rules, Joint Rules, Resolutions and Ethics.

### **REFERRALS**

President Pro Tem Schatz referred **SCR 10** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **SECOND READING OF CONCURRENT RESOLUTIONS**

The following concurrent resolution was read the 2nd time and referred to the Committee indicated:

**SCR 11**—Rules, Joint Rules, Resolutions and Ethics.

### **INTRODUCTIONS OF GUESTS**

Senator Rowden introduced to the Senate, Principal Scott Williams, and 25 high school students from Christian Fellowship School, Columbia.

Senator Brown introduced to the Senate, David Dunn, Springfield.

Senator Holsman introduced to the Senate, Melea Jones, Annaliese Barnes, Auiyon Williams, Naomi Miller and Nia Smith, Blue Ridge Christian School, Grandview.

Senator Riddle introduced to the Senate, the Physician of the Day, Dr. Peggy Barjenbruck, Mexico.

On motion of Senator Rowden, the Senate adjourned until 4:00 p.m., Monday, January 28, 2019.

### **SENATE CALENDAR**

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TENTH DAY—MONDAY, JANUARY 28, 2019

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### **FORMAL CALENDAR**

### **SECOND READING OF SENATE BILLS**

SB 161-Cunningham  
SB 162-Schupp  
SB 163-Schupp  
SB 164-Schupp  
SB 165-Eigel  
SB 166-Crawford  
SB 167-Crawford  
SB 168-Wallingford

SB 169-Wallingford  
SB 170-Schupp  
SB 171-Schupp  
SB 172-Schupp  
SB 173-Crawford  
SB 174-Crawford  
SB 175-Crawford  
SB 176-Hough

SB 177-Hough	SB 219-Hoskins
SB 178-Schupp	SB 220-Hoskins
SB 179-Cunningham	SB 221-Crawford
SB 180-Wallingford	SB 222-Hough
SB 182-Cierpiot, et al	SB 223-Brown
SB 183-Arthur	SB 224-Luetkemeyer
SB 184-Wallingford	SB 225-Curls
SB 185-Wallingford	SB 226-Sater
SB 186-Hegeman	SB 227-Sater
SB 187-Eigel	SB 228-Sater
SB 188-Eigel	SB 229-Crawford
SB 189-Crawford	SB 230-Crawford
SB 190-Onder	SB 231-Hough
SB 191-Schupp	SB 232-Sater
SB 192-Schupp	SB 233-Sater
SB 193-Schupp	SB 234-White
SB 194-Hoskins	SB 235-White
SB 195-Hoskins	SB 236-White
SB 196-Bernskoetter	SB 237-White
SB 197-Onder	SB 238-Emery
SB 198-Onder	SB 239-White
SB 199-Arthur	SB 240-White
SB 200-Hough	SB 241-Rizzo
SB 201-Romine	SB 242-Walsh
SB 202-Romine	SB 243-Walsh
SB 203-Nasheed	SB 244-Walsh
SB 204-Riddle	SB 245-Walsh
SB 205-Arthur	SB 246-Hough
SB 206-Arthur	SB 247-Hough
SB 207-Emery	SB 248-Brown
SB 208-Wallingford	SB 249-Koenig
SB 209-May	SB 250-Koenig
SB 210-May	SB 251-Koenig
SB 211-Wallingford	SB 252-Wieland
SB 212-Sifton	SB 253-Sater
SB 213-Hegeman	SB 254-Bernskoetter
SB 215-Schupp	SB 255-Bernskoetter
SB 216-Schupp	SB 256-Hegeman
SB 217-Schupp	SB 257-Hoskins
SB 218-Hoskins	SB 258-Wallingford

SB 259-Romine	SB 284-Hoskins
SB 260-Onder	SB 285-Hough
SB 261-Nasheed	SB 286-Hough
SB 262-Sater	SB 287-Wieland
SB 263-Schupp	SB 288-Wieland
SB 264-Crawford	SB 289-Wieland
SB 265-Luetkemeyer	SB 290-Brown
SB 266-Wieland	SB 291-Wallingford
SB 267-Wieland	SB 292-Eigel
SB 268-Wieland	SB 293-Hough
SB 269-Eigel	SB 294-Hough
SB 270-White and Crawford	SB 295-Hough
SB 271-Emery	SB 296-Cierpiot
SB 272-Emery	SB 297-White
SB 273-Emery	SB 298-White
SB 274-Sater	SB 299-Rizzo and Holsman
SB 275-Sater	SB 300-Eigel
SB 276-Rowden	SB 301-Eigel
SB 277-Crawford	SB 302-Wallingford
SB 278-Wallingford	SB 303-Riddle
SB 279-Onder and Emery	SB 304-Riddle
SB 280-Sater	SB 305-Riddle
SB 281-Brown	SJR 16-Sifton
SB 282-Brown	SJR 17-Nasheed
SB 283-Hoskins	SJR 18-Cunningham

## HOUSE BILLS ON SECOND READING

HCS for HBs 448 &amp; 206

## INFORMAL CALENDAR

## RESOLUTIONS

SR 20-Holsman

To be Referred

SCR 12-Sater

SCR 13-Emery

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# Journal of the Senate

## FIRST REGULAR SESSION

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### TENTH DAY—MONDAY, JANUARY 28, 2019

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The Senate met pursuant to adjournment.

Senator Hegeman in the Chair.

Reverend Carl Gauck offered the following prayer:

“The ransomed of the Lord shall return...with singing, everlasting joy shall be on their heads; they shall obtain joy and gladness, and sorrow and sigh shall flee away.” (Isaiah 35:10)

Almighty God, we return to our work and the responsibilities You have given to us. We say thank you that You have shown us that we are to be joyful in our living and working and that gladness will accompany us through these days of service. For indeed we are here to contribute to the attainment of Your holy purpose. So we ask help us face each day with a willing heart to serve You faithfully. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 24, 2019 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

## RESOLUTIONS

Senator Nasheed offered Senate Resolution No. 132, regarding Alison and John Ferring, St. Louis, which was adopted.

Senator Nasheed offered Senate Resolution No. 133, regarding Circus Harmony, St. Louis, which was adopted.

Senator Sater offered Senate Resolution No. 134, regarding Officer Nancy Foulke, which was adopted.

Senator Hegeman offered Senate Resolution No. 135, regarding the Thirtieth Anniversary of Missouri Area Health Education Centers network, which was adopted.

Senator Schupp offered Senate Resolution No. 136, regarding Alfred C. “Al” Villagran, Chesterfield, which was adopted.

Senator Holsman offered Senate Resolution No. 137, regarding the Kansas City Symphony, which was adopted.

Senator Riddle offered Senate Resolution No. 138, regarding Fire Chief Kenny Hoover, which was adopted.

Senator Hoskins offered Senate Resolution No. 139, regarding Eagle Scout Benjamin James Pithan, Chula, which was adopted.

Senator Crawford offered Senate Resolution No. 140, regarding Michaela Brown, Bolivar, which was adopted.

Senator Romine offered Senate Resolution No. 141, regarding Dr. Dennis Atkins, Viburnum, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 142, regarding Thomas Huber, which was adopted.

Senator Cunningham offered Senate Resolution No. 143, regarding Max and Wanda Murphy, Ava, which was adopted.

Senator Riddle offered Senate Resolution No. 144, regarding the Fifth Annual Physician Anesthesiologist Week, which was adopted.

### **INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were read the 1st time and ordered printed:

**SB 306**—By White.

An Act to repeal sections 167.020 and 173.1155, RSMo, and to enact in lieu thereof four new sections relating to military affairs, with existing penalty provisions.

**SB 307**—By Cierpiot.

An Act to repeal section 452.335, RSMo, and to enact in lieu thereof one new section relating to maintenance orders.

**SB 308**—By Onder.

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to prohibiting public entities from contracting with companies discriminating against Israel.

**SB 309**—By Sater.

An Act to repeal section 338.010, RSMo, and to enact in lieu thereof two new sections relating to the prescriptive authority of pharmacists.

**SB 310**—By Arthur.

An Act to amend chapter 376, RSMo, by adding thereto nine new sections relating to prescription drug costs.

**SB 311**—By Nasheed.

An Act to repeal sections 99.805, 99.810, 99.825, and 99.843, RSMo, and to enact in lieu thereof four new sections relating to tax increment financing.

**SB 312**—By Eigel.

An Act to repeal section 192.002, RSMo, and to enact in lieu thereof one new section relating to the mission of the department of health and senior services.

**SB 313**—By Onder.

An Act to repeal section 285.500, RSMo, and to enact in lieu thereof two new sections relating to the misclassification of workers.

**SB 314**—By Burlison.

An Act to amend chapter 173, RSMo, by adding thereto two new sections relating to student associations at public institutions of higher learning.

**SB 315**—By Burlison.

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to professional licensing.

**SB 316**—By Burlison.

An Act to repeal section 287.200, RSMo, and to enact in lieu thereof one new section relating to permanent total disability benefits payable pursuant to workers' compensation laws.

**SB 317**—By Burlison.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to civil claims for relief due to silica exposure.

**SB 318**—By Burlison.

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to apprenticeships.

**SB 319**—By Wieland.

An Act to repeal section 442.606, RSMo, and to enact in lieu thereof one new section relating to remedies for failing to disclose that a parcel of real estate was a site for methamphetamine production, with a penalty provision.

**SJR 19**—By Nasheed.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(b) of article VI of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the consolidation of St. Louis City and St. Louis County.

The Senate observed a moment of silence in memory of victims of the Holocaust.

### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR  
STATE OF MISSOURI  
January 28, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Martha “Kacky” Daugherty, 242 Bristle Ridge, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Advisory Council on Historic Preservation, for a term ending January 28, 2021, and until her successor is duly appointed and qualified; vice, RSMO 253.408.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
January 28, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Cindy McDaniel, 605 West 6th Street, Appleton City, Saint Clair County, Missouri 64724, as a member of the Missouri Advisory Council on Historic Preservation, for a term ending January 28, 2021, and until her successor is duly appointed and qualified; vice, RSMO 253.408.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
January 28, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mary “Mimi” Stiritz, 12 Wydown Terrace, Clayton, Saint Louis County, Missouri 63105, as a member of the Missouri Advisory Council on Historic Preservation, for a term ending January 28, 2021, and until her successor is duly appointed and qualified; vice, RSMO 253.408.

Respectfully submitted,  
Michael L. Parson  
Governor

### HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

**HCS for HBs 448 & 206**—Transportation, Infrastructure and Public Safety.

### REFERRALS

President Pro Tem Schatz referred **SCR 12** and **SCR 13** to the Committee on Rules, Joint Rules,

Resolutions and Ethics.

## COMMUNICATIONS

Senator Walsh submitted the following:

January 28, 2019

Adriane Crouse – Secretary of the Senate  
State Capitol, Room 325  
Jefferson City, Missouri 65101

Dear Adriane:

With Senator Holsman's recent resignation from the Missouri Military Preparedness and Enhancement Commission, there is now a minority caucus vacancy on that board. Pursuant to the provisions of section 41.1010 RSMo, I hereby appointment myself, Senator Gina Walsh, to fill that vacancy.

Sincerely,



Gina Walsh

On motion of Senator Rowden, the Senate adjourned under the rules.

## SENATE CALENDAR

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ELEVENTH DAY—TUESDAY, JANUARY 29, 2019

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 161-Cunningham  
SB 162-Schupp  
SB 163-Schupp  
SB 164-Schupp  
SB 165-Eigel  
SB 166-Crawford  
SB 167-Crawford  
SB 168-Wallingford  
SB 169-Wallingford  
SB 170-Schupp  
SB 171-Schupp  
SB 172-Schupp  
SB 173-Crawford  
SB 174-Crawford  
SB 175-Crawford  
SB 176-Hough  
SB 177-Hough  
SB 178-Schupp  
SB 179-Cunningham

SB 180-Wallingford  
SB 182-Cierpiot, et al  
SB 183-Arthur  
SB 184-Wallingford  
SB 185-Wallingford  
SB 186-Hegeman  
SB 187-Eigel  
SB 188-Eigel  
SB 189-Crawford  
SB 190-Onder  
SB 191-Schupp  
SB 192-Schupp  
SB 193-Schupp  
SB 194-Hoskins  
SB 195-Hoskins  
SB 196-Bernskoetter  
SB 197-Onder  
SB 198-Onder  
SB 199-Arthur



SB 200-Hough	SB 251-Koenig
SB 201-Romine	SB 252-Wieland
SB 202-Romine	SB 253-Sater
SB 203-Nasheed	SB 254-Bernskoetter
SB 204-Riddle	SB 255-Bernskoetter
SB 205-Arthur	SB 256-Hegeman
SB 206-Arthur	SB 257-Hoskins
SB 207-Emery	SB 258-Wallingford
SB 208-Wallingford	SB 259-Romine
SB 209-May	SB 260-Onder
SB 210-May	SB 261-Nasheed
SB 211-Wallingford	SB 262-Sater
SB 212-Sifton	SB 263-Schupp
SB 213-Hegeman	SB 264-Crawford
SB 215-Schupp	SB 265-Luetkemeyer
SB 216-Schupp	SB 266-Wieland
SB 217-Schupp	SB 267-Wieland
SB 218-Hoskins	SB 268-Wieland
SB 219-Hoskins	SB 269-Eigel
SB 220-Hoskins	SB 270-White and Crawford
SB 221-Crawford	SB 271-Emery
SB 222-Hough	SB 272-Emery
SB 223-Brown	SB 273-Emery
SB 224-Luetkemeyer	SB 274-Sater
SB 225-Curls	SB 275-Sater
SB 226-Sater	SB 276-Rowden
SB 227-Sater	SB 277-Crawford
SB 228-Sater	SB 278-Wallingford
SB 229-Crawford	SB 279-Onder and Emery
SB 230-Crawford	SB 280-Sater
SB 231-Hough	SB 281-Brown
SB 232-Sater	SB 282-Brown
SB 233-Sater	SB 283-Hoskins
SB 234-White	SB 284-Hoskins
SB 235-White	SB 285-Hough
SB 236-White	SB 286-Hough
SB 237-White	SB 287-Wieland
SB 238-Emery	SB 288-Wieland
SB 239-White	SB 289-Wieland
SB 240-White	SB 290-Brown
SB 241-Rizzo	SB 291-Wallingford
SB 242-Walsh	SB 292-Eigel
SB 243-Walsh	SB 293-Hough
SB 244-Walsh	SB 294-Hough
SB 245-Walsh	SB 295-Hough
SB 246-Hough	SB 296-Cierpiot
SB 247-Hough	SB 297-White
SB 248-Brown	SB 298-White
SB 249-Koenig	SB 299-Rizzo and Holsman
SB 250-Koenig	SB 300-Eigel

SB 301-Eigel  
SB 302-Wallingford  
SB 303-Riddle  
SB 304-Riddle  
SB 305-Riddle  
SB 306-White  
SB 307-Cierpiot  
SB 308-Onder  
SB 309-Sater  
SB 310-Arthur  
SB 311-Nasheed  
SB 312-Eigel

SB 313-Onder  
SB 314-Burlison  
SB 315-Burlison  
SB 316-Burlison  
SB 317-Burlison  
SB 318-Burlison  
SB 319-Wieland  
SJR 16-Sifton  
SJR 17-Nasheed  
SJR 18-Cunningham  
SJR 19-Nasheed

#### INFORMAL CALENDAR

#### RESOLUTIONS

SR 20-Holsman

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# Journal of the Senate

## FIRST REGULAR SESSION

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### ELEVENTH DAY—TUESDAY, JANUARY 29, 2019

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“The fear of the Lord is the beginning of Wisdom; all those who practice it have a good understanding.” (Psalm 111:10)

O God our Creator, our world expands our knowledge at an ever faster rate, making it more difficult for us to keep up with what we need to know and as we struggle to keep up remind us that wisdom is certainly more than knowledge for it comes from making mistakes and learning from them. Give us the humility to acknowledge before You our failures and learn from them. And let us repent for any harm we may have caused others and seek to not repeat our errors in judgment. So help us do more good with our lives and respond to opportunities that You send our way in a learned and faithful manner. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Wieland offered Senate Resolution No. 145, regarding Wade T. Jefferis, Arnold, which was adopted.

Senator Crawford offered Senate Resolution No. 146, regarding Ronnie Russell, which was adopted.

Senator Riddle offered Senate Resolution No. 147, regarding Josie Brennan, Fulton, which was adopted.

Senator Riddle offered Senate Resolution No. 148, regarding McKinzie Branson, Warrenton, which was adopted.

Senator Hoskins offered Senate Resolution No. 149, regarding Matthew Grant Smith, Chillicothe, which was adopted.

### **CONCURRENT RESOLUTIONS**

Senator Schatz offered the following concurrent resolution:

#### **SENATE CONCURRENT RESOLUTION NO. 14**

Relating to transportation bonds.

Whereas, the General Assembly recognizes the need for the repair of bridges on the state highway system that are contained in the Highways and Transportation Commission's Statewide Transportation Improvement Program for years 2020 to 2023; and

Whereas, pursuant to Article IV, Section 30(b) of the Missouri Constitution, the Highways and Transportation Commission is authorized to issue state road bonds to fund the construction and reconstruction of the state highway system; and

Whereas, the General Assembly desires that the Highways and Transportation Commission issue state road bonds to finance the planning, designing, construction, reconstruction, rehabilitation, and significant repair of two hundred fifty bridges on the state highway system that are contained in the Statewide Transportation Improvement Program for 2020 to 2023; and

Whereas, the General Assembly wishes to assist the Highways and Transportation Commission by providing funds as first recourse for payment of the debt service for such bonds from General Revenue Fund revenues to the State Road Fund:

Now Therefore Be It Resolved that the members of the Missouri Senate, One-hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby support the following:

1. The planning, designing, construction, reconstruction, rehabilitation, and significant repair of two hundred fifty bridges on the state highway system as selected by the Highways and Transportation Commission and included in the Commission's latest approved Statewide Transportation Improvement Program for years 2020 to 2023;

2. The total estimated project costs for two hundred fifty bridges, not to exceed three hundred fifty-one million dollars; and

3. The issuance of Highways and Transportation Commission state road bonds in an amount sufficient to pay such project costs, plus costs of issuance, with such bonds to be payable over a term not to exceed fifteen years; and

Be It Further Resolved that the members of the General Assembly support the following:

1. That the debt service for such state road bonds issued by the Highways and Transportation Commission shall be payable from future appropriations to be made by the General Assembly of General Revenue Fund revenues to the State Road Fund in an amount not to exceed thirty million dollars per year; and

2. Pursuant to Article IV, Section 28 of the Missouri Constitution, this resolution shall not bind future General Assemblies to make any appropriation for this purpose, although it is the present intent of the General Assembly that during each of the fiscal years of the state in which the term of such state road bonds remain outstanding, General Revenue Fund revenues be appropriated to the State Road Fund in an amount sufficient to pay the debt service on such bonds; and

Be It Further Resolved that the members of the Missouri General Assembly authorize and direct the Office of Administration and such other state departments, offices, and agencies as the Office of Administration may deem necessary or appropriate to:

1. Assist the members, staff, consultants, and advisors of the Highways and Transportation Commission in issuing such state road bonds; and

2. Execute and deliver a financing agreement with the Highways and Transportation Commission to provide funds appropriated on an annual basis from General Revenue Fund revenues to the State Road Fund for payment of the debt service on such bonds and such other documents and certificates related to such bonds as are consistent with the terms of this concurrent resolution; and

Be It Further Resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 320**—By Hough.

An Act to repeal section 67.398, RSMo, and to enact in lieu thereof one new section relating to abatement of nuisances on private property.

**SB 321**—By Hegeman.

An Act to repeal section 36.152, RSMo, and to enact in lieu thereof one new section relating to the political activity of certain state employees.

**SB 322**—By Bernskoetter.

An Act to repeal section 313.820, RSMo, and to enact in lieu thereof two new sections relating to the preservation of Missouri history.

**REFERRALS**

President Pro Tem Schatz referred the Gubernatorial Appointments appearing on page 158 of the Senate Journal for Monday, January 28, 2019, to the Committee on Gubernatorial Appointments.

**INTRODUCTIONS OF GUESTS**

Senator Walsh introduced to the Senate, Bill and Kathy Thalhuber, St. Paul, Minnesota.

Senator Luetkemeyer introduced to the Senate, representatives of the Missouri Society of Anesthesiologists.

Senator Koenig introduced to the Senate, the Physician of the Day, Dr. Srikar Rao, Kirkwood.

On motion of Senator Rowden, the Senate adjourned under the rules.

**SENATE CALENDAR**

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TWELFTH DAY—WEDNESDAY, JANUARY 30, 2019

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**FORMAL CALENDAR**

**SECOND READING OF SENATE BILLS**

SB 161-Cunningham  
SB 162-Schupp  
SB 163-Schupp  
SB 164-Schupp

SB 165-Eigel  
SB 166-Crawford  
SB 167-Crawford  
SB 168-Wallingford  
SB 169-Wallingford

SB 170-Schupp	SB 211-Wallingford
SB 171-Schupp	SB 212-Sifton
SB 172-Schupp	SB 213-Hegeman
SB 173-Crawford	SB 215-Schupp
SB 174-Crawford	SB 216-Schupp
SB 175-Crawford	SB 217-Schupp
SB 176-Hough	SB 218-Hoskins
SB 177-Hough	SB 219-Hoskins
SB 178-Schupp	SB 220-Hoskins
SB 179-Cunningham	SB 221-Crawford
SB 180-Wallingford	SB 222-Hough
SB 182-Cierpiot, et al	SB 223-Brown
SB 183-Arthur	SB 224-Luetkemeyer
SB 184-Wallingford	SB 225-Curls
SB 185-Wallingford	SB 226-Sater
SB 186-Hegeman	SB 227-Sater
SB 187-Eigel	SB 228-Sater
SB 188-Eigel	SB 229-Crawford
SB 189-Crawford	SB 230-Crawford
SB 190-Onder	SB 231-Hough
SB 191-Schupp	SB 232-Sater
SB 192-Schupp	SB 233-Sater
SB 193-Schupp	SB 234-White
SB 194-Hoskins	SB 235-White
SB 195-Hoskins	SB 236-White
SB 196-Bernskoetter	SB 237-White
SB 197-Onder	SB 238-Emery
SB 198-Onder	SB 239-White
SB 199-Arthur	SB 240-White
SB 200-Hough	SB 241-Rizzo
SB 201-Romine	SB 242-Walsh
SB 202-Romine	SB 243-Walsh
SB 203-Nasheed	SB 244-Walsh
SB 204-Riddle	SB 245-Walsh
SB 205-Arthur	SB 246-Hough
SB 206-Arthur	SB 247-Hough
SB 207-Emery	SB 248-Brown
SB 208-Wallingford	SB 249-Koenig
SB 209-May	SB 250-Koenig
SB 210-May	SB 251-Koenig

SB 252-Wieland	SB 290-Brown
SB 253-Sater	SB 291-Wallingford
SB 254-Bernskoetter	SB 292-Eigel
SB 255-Bernskoetter	SB 293-Hough
SB 256-Hegeman	SB 294-Hough
SB 257-Hoskins	SB 295-Hough
SB 258-Wallingford	SB 296-Cierpiot
SB 259-Romine	SB 297-White
SB 260-Onder	SB 298-White
SB 261-Nasheed	SB 299-Rizzo, et al
SB 262-Sater	SB 300-Eigel
SB 263-Schupp	SB 301-Eigel
SB 264-Crawford	SB 302-Wallingford
SB 265-Luetkemeyer	SB 303-Riddle
SB 266-Wieland	SB 304-Riddle
SB 267-Wieland	SB 305-Riddle
SB 268-Wieland	SB 306-White
SB 269-Eigel	SB 307-Cierpiot
SB 270-White and Crawford	SB 308-Onder
SB 271-Emery	SB 309-Sater
SB 272-Emery	SB 310-Arthur
SB 273-Emery	SB 311-Nasheed
SB 274-Sater	SB 312-Eigel
SB 275-Sater	SB 313-Onder
SB 276-Rowden	SB 314-Burlison
SB 277-Crawford	SB 315-Burlison
SB 278-Wallingford	SB 316-Burlison
SB 279-Onder and Emery	SB 317-Burlison
SB 280-Sater	SB 318-Burlison
SB 281-Brown	SB 319-Wieland
SB 282-Brown	SB 320-Hough
SB 283-Hoskins	SB 321-Hegeman
SB 284-Hoskins	SB 322-Bernskoetter
SB 285-Hough	SJR 16-Sifton
SB 286-Hough	SJR 17-Nasheed
SB 287-Wieland	SJR 18-Cunningham
SB 288-Wieland	SJR 19-Nasheed
SB 289-Wieland	

INFORMAL CALENDAR

RESOLUTIONS

SR 20-Holsman

To be Referred

SCR 14-Schatz

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# Journal of the Senate

## FIRST REGULAR SESSION

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### TWELFTH DAY—WEDNESDAY, JANUARY 30, 2019

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“Keep your heart with all diligence, for out of it flows the springs of life.” (Proverbs 4:33)

Gracious God: We acknowledge that the heart is seen by us as the seat of human emotions and it does us well to search it thoroughly to make sure all is in order for we know that our outward behavior often reflects what is going on in our hearts. Help us to weed out that which threatens our destruction and fill it with faith, hope and love for You and toward our family and friends and those we serve. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following members to act with a like committee from the Senate pursuant to **HCR 3**. Representatives: Plocher, Veit, Trent, Christofanelli, Evans (154), Mitten, Ellebracht, Mackey, Roberts (77), and Sauls.

Senator Rowden moved that the Senate recess to repair to the House of Representatives to receive the State of the Judiciary Address from the Chief Justice of the Supreme Court, the Honorable Zel M. Fischer, which motion prevailed.

### JOINT SESSION

The Joint Session was called to order by President Kehoe.

On roll call the following Senators were present:

#### Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On roll call the following Representatives were present:

#### PRESENT: 152

Allred	Anderson	Andrews	Appelbaum	Bailey	Baker	Bangert
Baringer	Barnes	Basye	Beck	Billington	Black 137	Black 7
Bland Manlove	Bondon	Bosley	Bromley	Brown 27	Brown 70	Burnett
Burns	Busick	Butz	Carpenter	Carter	Christofanelli	Clemens
Coleman 32	Coleman 97	Deaton	DeGroot	Dinkins	Dogan	Dohrman
Eggleston	Ellebracht	Ellington	Eslinger	Evans 154	Falkner III	Fishel
Fitzwater	Francis	Franks Jr.	Gannon	Gray	Green	Gregory
Grier	Griesheimer	Griffith	Haden	Haffner	Hannegan	Hansen
Helms	Henderson	Hicks	Houx	Hovis	Hudson	Hurst
Ingle	Justus	Kelley 127	Kelly 141	Kendrick	Kidd	Knight
Kolkmeyer	Lavender	Lovasco	Love	Lynch	Mackey	Mayhew
McCreery	McGaugh	McGee	McGirl	Merideth	Messenger	Miller
Mitten	Morgan	Morris 140	Morse 151	Mosley	Muntzel	Murphy
Neely	O’Donnell	Patterson	Pfautsch	Pietzman	Pike	Plocher
Pogue	Pollitt 52	Pollock 123	Porter	Proudie	Quade	Razer
Reedy	Rehder	Remole	Richey	Riggs	Roberts 161	Roberts 77
Roeber	Rogers	Rone	Ross	Rowland	Runions	Ruth
Sain	Sauls	Schnelting	Schroer	Sharpe	Shaul 113	Shawan

Shields	Shull 16	Simmons	Solon	Sommer	Spencer	Stacy
Stephens 128	Stevens 46	Swan	Tate	Taylor	Toalson Reisch	Trent
Unsicker	Veit	Vescovo	Walker	Walsh	Washington	Wiemann
Wilson	Windham	Wood	Wright	Mr. Speaker		

ABSENT: 10

Chappelle-Nadal	Chipman	Evans 99	Hill	McDaniel	Moon	Pierson Jr.
Price	Roden	Smith				

VACANCIES: 1

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, Zel M. Fischer, escorted the Chief Justice to the dais where he delivered the State of the Judiciary Address to the Joint Assembly:

**2019 STATE OF THE JUDICIARY**  
**Missouri Chief Justice Zel M. Fischer**

***Introduction***

Thank you, Lieutenant Governor Kehoe, Secretary of State Ashcroft, President Pro Tem Schatz, Speaker Haahr, and members of this 100th General Assembly, the executive branch and the judiciary. On behalf of all of Missouri's state judges, I am pleased to present you with this 46th State of the Judiciary.

The framers of our Constitution divided the power of government among three separate but co-equal branches, intending them to serve different purposes. But this separation does not mean we cannot listen to one another.

We know our partners in the legislative and executive branches are committed to doing the best job possible to make Missouri better. We are no different. The state of the judiciary is good.

Constitutionally critical to our system of government, the judiciary is designed to be different from the political and policymaking branches of government. Chief Justice John Roberts of the Supreme Court of the United States explained it this way: "We wear black robes to convey the notion that our individual views [and] personality do not have anything to do with the function we have to play in terms of coming to the correct decision on the law."

You may not know one of his colleagues on our nation's high court, Justice Clarence Thomas, had his first legal job right here in Missouri, across the street in the red brick building, as an assistant attorney general under Jack Danforth. Justice Thomas has said, "Judicial independence is critical to liberty and to justice. In our great country, the judiciary is not a puppet of those in power, nor is it the engine for pioneering social change. Rather, it is a safeguard against tyranny and an assurance of neutral arbiters for those seeking the protection of law."

Public opinion tends to galvanize behind particular outcomes. Judges have a duty to resist that temptation. Our duty and our oath is not to be popular but to be faithful to the law.

***Treatment courts***

As I was here a couple of weeks ago listening to Governor Parson give his address, it occurred to me there are at least a few things Governor Parson and I have in common – we both call rural Missouri home, we are both probably more comfortable in cowboy boots than dress shoes, and neither of us has been accused of being soft on crime. But I was pleased to hear him commit in his state of the state address he would not build another prison while he is governor.

When I began practicing law three decades ago, we were all told the proper answer was to be tough on crime. But, as time has proven, being tough on crime is not necessarily being smart on crime. Our national incarceration rates have ballooned – and for many nonviolent offenders, we have failed to address their underlying issues of substance abuse and mental illness. Let's save our prisons for those we are afraid of, not just mad at.

Over-incarcerating nonviolent offenders – especially drug and alcohol offenders – costs millions and is not curing the problem. We need to spend public funds where we see proven results. Often, what they really need – and what we can provide without compromising public safety – is treatment for substance abuse and mental illness.

This is why it is no longer enough for the courts to simply resolve cases. Instead, you and our citizens expect your courts to help change lives by breaking the cycle of crime among our nonviolent offenders and making them more productive. Since Missouri's first treatment court was

founded more than 25 years ago, the Show-Me State has been showing everyone else how to do it ... and we continue to get better at it.

But as I explained in my address to you last year, citizens in some of our counties still lack access to a local treatment court. I thank Governor Parson for making treatment courts a priority of last fall's special session – and I thank you for passing this important legislation.

Now, we need your help funding the vital services our treatment courts can provide. The governor included in his budget recommendations a restoration of the rest of the core funding to the treatment courts we asked for last year but did not receive, plus nearly \$3.1 million in additional funding to help expand the reach of our treatment court services. Together, not only can we continue to be smart on crime, but, more importantly, we can continue to save money ... and lives.

#### ***Veterans courts***

Some of our treatment courts focus on an offender's underlying issue, but one focuses on a unique population – our veterans. As you know, one of the primary rules of battle is not to leave anyone behind. But that guiding principle is just as important off the battlefield.

Due in part to the stress of combat or adjusting to life at home, some of our military men and women suffer from mental illness or addiction, and they may find themselves on the wrong side of the law. It is incumbent on us to make sure the justice system for which they have sacrificed recognizes their unique challenges and does not leave them behind.

Missouri now has veterans treatment courts available in three dozen counties, plus the cities of St. Louis and Kansas City. These unique programs use volunteer veterans and active-duty soldiers as mentors. Research shows veterans benefit the most with help from others who understand the military experience.

Our veterans treatment courts are a win-win for all Missourians – in addition to helping those who have served our country regain their lives, crime is reduced, public safety is improved, and we are able to better protect those who have protected us.

#### ***Military spouse rule***

We also are honoring military families by finding a way for spouses of military personnel stationed in Missouri to practice law while they are here.

The process to become licensed to practice law in any state is rigorous, and for good reason – it's designed to protect the public. The bar exam is hard. But attorneys who are married to active duty military service members face the prospect of going through that process each time their spouses are relocated. You've heard the adage, "when one member joins, the whole family serves?" For some members of our active duty military, that means their attorney spouses must sit for a bar exam in every new state in which they find themselves ... or abandon their career ... or split up the military family. We realized this makes little sense.

So we created a pathway for military spouses who are licensed attorneys to practice law while they are in Missouri. Under the new rule – which took effect January 1 – lawyers with licenses in good standing from other jurisdictions, whose spouses are full-time active service members of the United States armed forces assigned to a duty station in Missouri or a contiguous state, can apply for temporary admission to practice law in Missouri.

Allowing these qualified attorneys to share their legal talents with our citizens while they are in our state will honor the sacrifice they make as military spouses and will serve Missourians well. This rule is already being utilized – just nine days after it took effect, we had an applicant. Her story exemplifies why we always need to look for ways to make our legal system better for those we serve.

Karen Towns is the daughter of a military service member and was born at an American air base overseas. She earned her law degree in North Carolina and was serving as associate chief counsel for the United States Food and Drug Administration when she married an officer in the United States Army. In fewer than a dozen years since then, he – and, therefore, she – have been relocated more than half a dozen times, to duty stations in Kansas, Kentucky, Maryland, Washington – and twice in Missouri.

Since July 2017, Karen's husband – Colonel Eric Towns – has been stationed at Fort Leonard Wood, where he serves as garrison commander. When they arrived in Missouri, the only way for her to become licensed to practice law here was to sit for another bar exam. Instead, she has been working as a non-attorney compliance officer at the Missouri University of Science and Technology in Rolla. But our new rule cut through the red tape that had been preventing her from using her legal skills to their fullest.

I am pleased to announce Karen has been granted temporary admission to practice law in Missouri. She and Colonel Towns are with us today – please join me in thanking them both for their important service.

#### ***Retired lawyer pro bono rule***

We also have recognized we need to do more to provide equal access to civil justice. One of the fundamental purposes of your courts is to ensure access to justice for all, regardless of background, wealth, power or ideology. This ideal works well on paper but is hard to achieve in reality. The law is complex, and many individuals and businesses perceive they lack access to affordable legal services.

A legal system that serves only the well-to-do is neither justice *for* all – nor justice at all.

Missouri lawyers try to help fill the need. Each year, hundreds volunteer their time, unpaid, to help those who otherwise cannot afford an attorney. And Missouri is part of a national program – like an online version of a walk-in clinic – allowing people who cannot afford a lawyer

to get quick advice about a specific civil legal issue from a volunteer lawyer.

But by far the primary resource for those least able to afford an attorney comes from our state's legal service organizations. Unfortunately, the justice gap is much wider than these volunteer lawyers and legal service organizations can bridge on their own.

They need help. Pursuant to a new rule and new pilot project, retired lawyers who agree to provide solely free legal help through one of our state's legal aid organizations can apply annually to our Court to have their attorney enrollment fees waived.

As baby boomers enter retirement, many will be able to continue sharing their legal experience in meaningful and impactful ways. More importantly, our legal aid organizations will be able to help more low-income citizens throughout Missouri who need – but cannot afford – civil legal assistance.

Two people on the front lines of the battle to close the justice gap are here today. From Legal Aid of Western Missouri, its executive director, retired judge Joe Dandurand, and Latricia Scott Adams, who for 30 years has served as its volunteer attorney project director. Let's thank them for their service.

### ***Pretrial release***

Some common-sense solutions are relatively simple, like our new military spouse rule and retired lawyer pro bono rule. Others are more difficult to achieve, and a few require tough conversations, like dealing with pretrial detention. The problem is real. Too many who are arrested cannot afford bail even for low-level offenses and remain in jail awaiting a hearing. Though presumed innocent, they lose their jobs, cannot support their families and are more likely to reoffend.

We all share a responsibility to protect the public – but we also have a responsibility to ensure those accused of crime are fairly treated according to the *law*, and not their pocket books.

Missouri law sets the framework for how pretrial detention should work. Under the circumstances of each case, a judge must balance two constitutional imperatives – one to afford the accused an opportunity for pretrial release, and the other to insist on “sufficient sureties” the defendant will appear in court. Judges also must balance statutory considerations for protecting a crime victim, a witness and the community from a defendant who poses a danger to them.

During the past year, the Court brought together a whole host of experts – judges, prosecutors, defense attorneys, law professors and court officials – they spent countless hours identifying ways for improvement and working to devise common-sense modifications to our criminal justice system. As a result of this hard work, the Court has ordered *significant* changes to its rules governing pretrial release.

These changes – which will take effect July 1 – are extensive ... and meaningful. Here are some highlights:

- The court must start with non-monetary conditions of release and may impose monetary conditions only if necessary and only in an amount not exceeding that necessary to ensure safety or the defendant's appearance.
- The court may not order a defendant to pay any portion of the costs of any conditions of release without first considering how to minimize or whether to waive those costs.
- A court may order a defendant's pretrial detention only if it determines – by clear and convincing evidence – that no combination of non-monetary and monetary conditions will ensure safety of the community or any person.
- The new rule also limits how long a defendant may be detained without a court hearing, and ensures a speedy trial for those who remain in jail.

This new rule helps ensure the determinations – and conditions – of pretrial release are made with the best information available. We believe these changes will improve our criminal justice system.

### ***Investing in Missouri's courts***

In his state of the state address, Governor Parson said being a good leader is about your ability to make those around you better. So I am here to ask for your help. I know revenues are tight, you have important priorities to consider ... and I do not imagine you have very many constituents calling or e-mailing you begging for additional court funding.

But that does not mean your court system and the services we provide are not critical for the health of our state. Without the reliable availability of courts in our local communities, with fair and impartial judges who are well-versed in the law, and competent, professional court staff, your constituents' disputes might go undecided. Small business owners cannot afford undue delay in having their legal matters decided, and big businesses look for strong, stable courts when deciding where to employ large numbers of people.

Like so many others in state government, we in the Missouri courts have been streamlining our services, doing more with less for years, and we have proven we are a sound investment for Missouri tax dollars. To continue providing a high level of service – now and for future generations – we need additional investment in developing our workforce and improving our technological infrastructure.

Right now, our judicial education program operates on only 74 percent of the total amount of funding to which it is authorized by statute. But 74 percent does not allow us to offer as many in-person classes as we need, or to supplement those classes with as many web-based training

sessions as we should. It will cost just less than a half-million dollars to close this gap between funding authorized and funding appropriated. Although Governor Parson did not include this item in his recommendations, I ask you to actually fund what you have authorized us to spend on judicial education. That amount would allow our judicial education program to function at full strength, as it has in the past.

Governor Parson encouraged us to be honest about the challenges we face. Here is one – technology has become the way we all do business and expect to do business, but your courts struggle to meet the public’s 21st century expectations with 1990s resources.

The Missouri General Assembly in 1994 mandated the development of a statewide court automation system. But the \$7 fee has not changed in a quarter-century and does not generate enough money to sustain current functions. In fact, the fee only pays for a third of the technology necessary to provide the services Missourians have come to expect.

Missouri courts have been virtually paperless since 2014, and you and your constituents have come to rely on the benefits that electronic system makes possible: Case.net, Track This Case, Pay By Web and the electronic filing of cases. But what happens if we cannot sustain the technology that has become the way people do business in their courts?

We may find out by July 2021, when we anticipate the Missouri courts’ statutorily mandated system – built on 25-year-old technology – will be unable to receive critical system updates. We are building a replacement case management system, but at current funding levels, the new Show-Me Courts system – which includes municipal case processing – will not be finished in time.

Equal access to justice requires using technology to resolve disputes fairly and efficiently. We need to develop user-friendly, electronic systems to permit citizens to participate in routine court proceedings without missing work. We need to increase the functionality of Case.net to allow citizens to be fairly informed. Missourians expect your courts’ technology systems to join the 21st century, which will require increased and sustainable funding from general revenue.

### ***Nonpartisan court plan***

Technology is not the only thing changing rapidly. How different the faces are in this chamber than just a year ago. Most of our state office holders are in new positions, and more than 60 of you are new to the legislature.

We have experienced change as well. Nearly 60 trial judges just attended new judge orientation last week. Our appellate judicial commission has sent two panels to Governor Parson. Last fall, Governor Parson made his first appellate appointment, selecting Tom Chapman – the presiding judge from the 43rd circuit (spanning five counties in northwest Missouri) – to a vacancy on the Missouri Court of Appeals, Western District. Earlier this month, Governor Parson selected Robin Ransom – the presiding judge in St. Louis city – to be the newest appellate judge in our Eastern District.

I remain steadfast that Missouri’s nonpartisan court plan is the best method for selecting judges to our urban trial courts, appellate court and supreme court. We have a plaque in our building across the street commemorating the courage of the people of Missouri in amending their constitution in 1940 to adopt the Missouri court plan, making ours the first state in the nation to embrace judicial merit selection. Our foresight looks brilliant today, as the entire Supreme Court of West Virginia – which has direct partisan elections – faced impeachment last year, and the confirmation process for Justice Brett Kavanaugh’s nomination to the Supreme Court of the United States looked nothing like the advice and consent of the senate our founding fathers intended.

As a supreme court judge, the idea of presenting oneself as pro-something or con-something else undercuts a system in which judges are meant to be neutral arbiters of our citizens’ disputes and, ultimately, undermines the public’s trust and confidence in their courts. To paraphrase Chief Justice Roberts, judges do not sit on opposite sides of an aisle. They do not caucus in separate rooms. They do not serve one party or interest. They serve one nation. Or, in our instance, one Missouri.

I will end where I began, by explaining the judicial branch is designed to be different from the political and policymaking branches of government. Our judicial code of conduct requires us to refrain not only from actual bias but to minimize even the appearance of partiality.

### ***Conclusion***

While I know you take your responsibilities here in the Capitol seriously, as do I, do not forget those at home who support, encourage and pray for you daily. In the balcony, with other family members, are Julie, my wife of more than 34 years, and my mother Nancy. Thank you for your infinite love, support, encouragement and prayers.

Providing the family security is my former courtroom bailiff, my best friend, the best man at my wedding – he is also my father, Bob Fischer.

Everybody who knows my dad has at least one story – but I’ll close with this one. In the fall of 2008, Dad drove me down for my interview with Governor Matt Blunt. Once back in his pickup truck after the interview, I told Dad I thought Governor Blunt might actually appoint me to the Supreme Court of Missouri. He said, “Well, he ought to, but are you sure you want the position? You’re already a judge, and this is a four-and-a-half-hour drive from your wife and three of your four children still in high school.” I explained to Dad this was a position where you not only could make a paycheck, you could also make a difference. I concluded, it is not like I would be joining the circus. Then Dad – with his humble trademark grin – replied, “Are you sure?”

Thank you all, and may God Bless you *all*.

On motion of Senator Rowden, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by President Kehoe.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 323**—By Hough.

An Act to repeal section 304.153, RSMo, and to enact in lieu thereof one new section relating to the towing of commercial vehicles, with existing penalty provisions.

**SB 324**—By Arthur.

An Act to amend chapter 49, RSMo, by adding thereto three new sections relating to county commissioners.

**SB 325**—By Crawford.

An Act to repeal section 253.080, RSMo, and to enact in lieu thereof one new section relating to state parks concession contracts.

### **SECOND READING OF CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

**SCR 14**—Rules, Joint Rules, Resolutions and Ethics.

### **RESOLUTIONS**

Senator Wallingford offered Senate Resolution No. 150, regarding TRIO Programs, Southeast Missouri State University, which was adopted.

Senator Williams offered Senate Resolution No. 151, regarding the Youth Council of the St. Louis County Branch of the NAACP, which was adopted.

Senator Rizzo offered Senate Resolution No. 152, regarding Eagle Scout Malachi Lafi Tau Fuimaono, Independence, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 153, regarding Trae Hoerrmann, Browning, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 154, regarding Carey Rodas, Lewistown, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 155, regarding Wyatt Link, Meadville, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 156, regarding Trenton Bogguss, Lewistown, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 157, regarding Jacob Byers, New Boston, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 158, regarding Tyler Polley, Brookfield, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 159, regarding Ethan Crist, St. Catharine, which was adopted.

Senator Walsh offered Senate Resolution No. 160, regarding Thomas E. George Sr., Florissant, which was adopted.

Senator Cunningham offered Senate Resolution No. 161, regarding Anthony Priest, West Plains, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator White introduced to the Senate, Bill Birkes, Jr., Webb City; Mark Elliff, Carthage; Circuit Clerk Melissa Holcomb, Jasper County; and Circuit Clerk Patty Krueger, Newton County.

Senator Holsman introduced to the Senate, Brandon Boulware, Kansas City.

Senator Hough introduced to the Senate, Dr. Howard Jarvis and Jeff Schrag, Springfield; and Sherry Wohlgemuth and Tyson Hunt, Columbia.

Senator Hough introduced to the Senate, Circuit Clerk Tom Barr, Greene County.

Senator Nasheed introduced to the Senate, Cheryl Walker, St. Louis.

Senator Burlison introduced to the Senate, Mike Robertson, Ozark; and Barbie Barnett-Stillings, Nixa.

Senator Schupp introduced to the Senate, former State Representative Sam Page, Councilman, Creve Coeur.

Senator O’Laughlin introduced to the Senate, Bella Baker, Atlanta.

Senator Brown introduced to the Senate, his aunt, Circuit Clerk Sue Brown, Rolla.

Senator Eigel introduced to the Senate, Tammy Huelsing, and her son, Justin, and Joe Smith, St. Charles.

Senator Crawford introduced to the Senate, the Physician of the Day, Dr. David Kuhlmann, M.D., Sedalia.

Senator Hoskins introduced to the Senate, Debbie Miller, Fayette.

Senator Bernskoetter introduced to the Senate, Superintendent Sister Elizabeth Youngs, Jefferson City Catholic Diocese.

Senator Burlison introduced to the Senate, John and Jenilee Russell, and their children, Harper and Hudson, Springfield; and Harper and Hudson were made honorary pages.

On motion of Senator Rowden, the Senate adjourned under the rules.



SENATE CALENDAR

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THIRTEENTH DAY—THURSDAY, JANUARY 31, 2019

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 161-Cunningham	SB 191-Schupp
SB 162-Schupp	SB 192-Schupp
SB 163-Schupp	SB 193-Schupp
SB 164-Schupp	SB 194-Hoskins
SB 165-Eigel	SB 195-Hoskins
SB 166-Crawford	SB 196-Bernskoetter
SB 167-Crawford	SB 197-Onder
SB 168-Wallingford	SB 198-Onder
SB 169-Wallingford	SB 199-Arthur
SB 170-Schupp	SB 200-Hough
SB 171-Schupp	SB 201-Romine
SB 172-Schupp	SB 202-Romine
SB 173-Crawford	SB 203-Nasheed
SB 174-Crawford	SB 204-Riddle
SB 175-Crawford	SB 205-Arthur
SB 176-Hough	SB 206-Arthur
SB 177-Hough	SB 207-Emery
SB 178-Schupp	SB 208-Wallingford
SB 179-Cunningham	SB 209-May
SB 180-Wallingford	SB 210-May
SB 182-Cierpiot, et al	SB 211-Wallingford
SB 183-Arthur	SB 212-Sifton
SB 184-Wallingford	SB 213-Hegeman
SB 185-Wallingford	SB 215-Schupp
SB 186-Hegeman	SB 216-Schupp
SB 187-Eigel	SB 217-Schupp
SB 188-Eigel	SB 218-Hoskins
SB 189-Crawford	SB 219-Hoskins
SB 190-Onder	SB 220-Hoskins

SB 221-Crawford	SB 262-Sater
SB 222-Hough	SB 263-Schupp
SB 223-Brown	SB 264-Crawford
SB 224-Luetkemeyer	SB 265-Luetkemeyer
SB 225-Curls	SB 266-Wieland
SB 226-Sater	SB 267-Wieland
SB 227-Sater	SB 268-Wieland
SB 228-Sater	SB 269-Eigel
SB 229-Crawford	SB 270-White and Crawford
SB 230-Crawford	SB 271-Emery
SB 231-Hough	SB 272-Emery
SB 232-Sater	SB 273-Emery
SB 233-Sater	SB 274-Sater
SB 234-White	SB 275-Sater
SB 235-White	SB 276-Rowden
SB 236-White	SB 277-Crawford
SB 237-White	SB 278-Wallingford
SB 238-Emery	SB 279-Onder and Emery
SB 239-White	SB 280-Sater
SB 240-White	SB 281-Brown
SB 241-Rizzo	SB 282-Brown
SB 242-Walsh	SB 283-Hoskins
SB 243-Walsh	SB 284-Hoskins
SB 244-Walsh	SB 285-Hough
SB 245-Walsh	SB 286-Hough
SB 246-Hough	SB 287-Wieland
SB 247-Hough	SB 288-Wieland
SB 248-Brown	SB 289-Wieland
SB 249-Koenig	SB 290-Brown
SB 250-Koenig	SB 291-Wallingford
SB 251-Koenig	SB 292-Eigel
SB 252-Wieland	SB 293-Hough
SB 253-Sater	SB 294-Hough
SB 254-Bernskoetter	SB 295-Hough
SB 255-Bernskoetter	SB 296-Cierpiot
SB 256-Hegeman	SB 297-White
SB 257-Hoskins	SB 298-White
SB 258-Wallingford	SB 299-Rizzo, et al
SB 259-Romine	SB 300-Eigel
SB 260-Onder	SB 301-Eigel
SB 261-Nasheed	SB 302-Wallingford

SB 303-Riddle  
SB 304-Riddle  
SB 305-Riddle  
SB 306-White  
SB 307-Cierpiot  
SB 308-Onder  
SB 309-Sater  
SB 310-Arthur  
SB 311-Nasheed  
SB 312-Eigel  
SB 313-Onder  
SB 314-Burlison  
SB 315-Burlison  
SB 316-Burlison

SB 317-Burlison  
SB 318-Burlison  
SB 319-Wieland  
SB 320-Hough  
SB 321-Hegeman  
SB 322-Bernskoetter  
SB 323-Hough  
SB 324-Arthur  
SB 325-Crawford  
SJR 16-Sifton  
SJR 17-Nasheed  
SJR 18-Cunningham  
SJR 19-Nasheed

#### INFORMAL CALENDAR

#### RESOLUTIONS

SR 20-Holsman

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# Journal of the Senate

## FIRST REGULAR SESSION

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**THIRTEENTH DAY—THURSDAY, JANUARY 31, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“God’s firm foundation stands bearing this inscription: The Lord knows those who are his” (1 Timothy 2:19)

Heavenly Father, we complete another week and our first month here, knowing we have months yet to go. Help us Lord that we do not forget those You have entrusted to us to love and to care for. May we draw those we love closer to us and share the joy of what it means to be married and have children. Bless us with Your word and presence as we join others giving thanks and praise in our worship this weekend. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Rowden announced photographers from Richmond News and Gasconade County Republican were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Nasheed—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Sater offered Senate Resolution No. 162, regarding Marilyn Droke, which was adopted.

Senator Hoskins offered Senate Resolution No. 163, regarding Eagle Scout Rylan Clark Phillips, Chillicothe, which was adopted.

Senator Hoskins offered Senate Resolution No. 164, regarding Eagle Scout Brady Owen Bernskoetter, Chillicothe, which was adopted.

Senator Hegeman offered Senate Resolution No. 165, regarding Jane Christen, Rock Port, which was adopted.

Senator Eigel offered Senate Resolution No. 166, regarding St. Charles County Ambulance District, St. Peters, which was adopted.

Senator Romine offered Senate Resolution No. 167, regarding the Village of Caledonia, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 168, regarding Samuel Brix, Jefferson City, which was adopted.

Senator May offered Senate Resolution No. 169, regarding Cecilia Nadal, which was adopted.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 326**—By Sater.

An Act to repeal section 64.805, RSMo, and to enact in lieu thereof one new section relating to the attendance fee for members of county planning commissions.

**SB 327**—By Luetkemeyer.

An Act to repeal sections 143.071 and 313.800, RSMo, and to enact in lieu thereof twenty-two new sections relating to gaming, with penalty provisions.

**SB 328**—By Burlison.

An Act to repeal sections 536.025, 536.200, and 536.205, RSMo, and to enact in lieu thereof three new sections relating to emergency rules.

**SB 329**—By Burlison.

An Act to repeal section 311.300, RSMo, and to enact in lieu thereof one new section relating to the transfer of intoxicating liquor.

**REPORTS OF STANDING COMMITTEES**

Senator Schatz, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Cynthia Herrmann Baker, as a member of the Committee for Professional Counselors;

Also,

Sherman “Bill” Birkes, Jr., Republican and Cheryl D.S. Walker, Democrat as members of Missouri Ethics Commission;

Also,

Carl Wayne Blades, Republican, as Northern District Commissioner of the Stone County Commission;

Also,

Brandon Boulware, Democrat, as a member of the Missouri Gaming Commission;

Also,

David A. Cole, Republican, as a member of the Missouri Health Facilities Review Committee;

Also,

Mark J. Elliff, Republican and Rick D. McDowell, Republican as members of the Missouri Housing Development Commission;

Also,

Colby H. Grove, as a member of the State Board of Pharmacy;

Also,

Peter Herschend, Republican, as a member of the State Board of Education;

Also,

James P. Limbaugh, Republican, as a member of the Southeast Missouri State University Board of Regents;

Also,

Fred P. Pestello, as a member of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District;

Also,

Michael B. Robertson, Republican, as Eastern District Commissioner of the Christian County Commission;

Also,

John Christopher Russell, Republican, as Eastern District Commissioner of the Greene County Commission;

Also,

Christopher A. Sanford, as a member of the Missouri Board of Occupational Therapy;

Also,

Joseph M. Smith, Republican, as a member of the St. Charles County Convention and Sports Facilities

Authority;

Also,

John Stamm, Independent, as a member of the Missouri Community Service Commission;

Also,

Sharon Turner Buie, Democrat, as a member of the Kansas City Board of Election Commissioners; and

John “Jay” Wasson, Republican, as a member of the Tourism Commission.

Senator Schatz requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Schatz moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

President Pro Tem Schatz assumed the Chair.

Senator Onder, Chairman of the Committee on Health and Pensions, submitted the following report:

Mr. President: Your Committee on Health and Pensions, to which was referred **SB 17**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 4**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 2**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Libla, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 20**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HCS for HBs 448 and 206**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Kehoe assumed the Chair.

## **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 161**—Small Business and Industry.

- SB 162**—Small Business and Industry.
- SB 163**—Transportation, Infrastructure and Public Safety.
- SB 164**—Professional Registration.
- SB 165**—Health and Pensions.
- SB 166**—Commerce, Consumer Protection, Energy and the Environment.
- SB 167**—Insurance and Banking.
- SB 168**—Education.
- SB 169**—Commerce, Consumer Protection, Energy and the Environment.
- SB 170**—Health and Pensions.
- SB 171**—Local Government and Elections.
- SB 172**—Small Business and Industry.
- SB 173**—Local Government and Elections.
- SB 174**—Ways and Means.
- SB 175**—Ways and Means.
- SB 176**—Government Reform.
- SB 177**—Health and Pensions.
- SB 178**—Small Business and Industry.
- SB 179**—Insurance and Banking.
- SB 180**—Veterans and Military Affairs.
- SB 182**—Economic Development.
- SB 183**—Ways and Means.
- SB 184**—Economic Development.
- SB 185**—Health and Pensions.
- SB 186**—Transportation, Infrastructure and Public Safety.
- SB 187**—Ways and Means.
- SB 188**—Ways and Means.
- SB 189**—Local Government and Elections.
- SB 190**—Transportation, Infrastructure and Public Safety.
- SB 191**—Small Business and Industry.
- SB 192**—Insurance and Banking.
- SB 193**—Rules, Joint Rules, Resolutions and Ethics.
- SB 194**—Judiciary and Civil and Criminal Jurisprudence.



**SB 195**—Small Business and Industry.

**SB 196**—Local Government and Elections.

**SB 197**—General Laws.

**SB 198**—Judiciary and Civil and Criminal Jurisprudence.

**SB 199**—Small Business and Industry.

**SB 200**—Transportation, Infrastructure and Public Safety.

**SB 201**—Transportation, Infrastructure and Public Safety.

**SB 202**—Commerce, Consumer Protection, Energy and the Environment.

**SB 203**—Small Business and Industry.

**SB 204**—Professional Registration.

**SB 205**—Education.

**SB 206**—Education.

**SB 207**—Local Government and Elections.

**SB 208**—Ways and Means.

**SB 209**—Small Business and Industry.

**SB 210**—General Laws.

**SB 211**—Agriculture, Food Production and Outdoor Resources.

**SB 212**—Small Business and Industry.

**SB 213**—Rules, Joint Rules, Resolutions and Ethics.

**SB 215**—Local Government and Elections.

**SB 216**—Health and Pensions.

**SB 217**—Transportation, Infrastructure and Public Safety.

**SB 218**—Agriculture, Food Production and Outdoor Resources.

**SB 219**—Professional Registration.

**SB 220**—Ways and Means.

### **INTRODUCTIONS OF GUESTS**

Senator Brown introduced to the Senate, the Physician of the Day, Dr. Omofolarin Fasuyi, Rolla; and Jennifer Vu, UMKC.

Senator Rowden introduced to the Senate, Scott Charton, Columbia.

On motion of Senator Rowden, the Senate adjourned until 4:00 p.m., Monday, February 4, 2019.

SENATE CALENDAR

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FOURTEENTH DAY—MONDAY, FEBRUARY 4, 2019

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 221-Crawford	SB 254-Bernskoetter
SB 222-Hough	SB 255-Bernskoetter
SB 223-Brown	SB 256-Hegeman
SB 224-Luetkemeyer	SB 257-Hoskins
SB 225-Curls	SB 258-Wallingford
SB 226-Sater	SB 259-Romine
SB 227-Sater	SB 260-Onder
SB 228-Sater	SB 261-Nasheed
SB 229-Crawford	SB 262-Sater
SB 230-Crawford	SB 263-Schupp
SB 231-Hough	SB 264-Crawford
SB 232-Sater	SB 265-Luetkemeyer
SB 233-Sater	SB 266-Wieland
SB 234-White	SB 267-Wieland
SB 235-White	SB 268-Wieland
SB 236-White	SB 269-Eigel
SB 237-White	SB 270-White and Crawford
SB 238-Emery	SB 271-Emery
SB 239-White	SB 272-Emery
SB 240-White	SB 273-Emery
SB 241-Rizzo	SB 274-Sater
SB 242-Walsh	SB 275-Sater
SB 243-Walsh	SB 276-Rowden
SB 244-Walsh	SB 277-Crawford
SB 245-Walsh	SB 278-Wallingford
SB 246-Hough	SB 279-Onder and Emery
SB 247-Hough	SB 280-Sater
SB 248-Brown	SB 281-Brown
SB 249-Koenig	SB 282-Brown
SB 250-Koenig	SB 283-Hoskins
SB 251-Koenig	SB 284-Hoskins
SB 252-Wieland	SB 285-Hough
SB 253-Sater	SB 286-Hough

SB 287-Wieland	SB 311-Nasheed
SB 288-Wieland	SB 312-Eigel
SB 289-Wieland	SB 313-Onder
SB 290-Brown	SB 314-Burlison
SB 291-Wallingford	SB 315-Burlison
SB 292-Eigel	SB 316-Burlison
SB 293-Hough	SB 317-Burlison
SB 294-Hough	SB 318-Burlison
SB 295-Hough	SB 319-Wieland
SB 296-Cierpiot	SB 320-Hough
SB 297-White	SB 321-Hegeman
SB 298-White	SB 322-Bernskoetter
SB 299-Rizzo, et al	SB 323-Hough
SB 300-Eigel	SB 324-Arthur
SB 301-Eigel	SB 325-Crawford
SB 302-Wallingford	SB 326-Sater
SB 303-Riddle	SB 327-Luetkemeyer
SB 304-Riddle	SB 328-Burlison
SB 305-Riddle	SB 329-Burlison
SB 306-White	SJR 16-Sifton
SB 307-Cierpiot	SJR 17-Nasheed
SB 308-Onder	SJR 18-Cunningham
SB 309-Sater	SJR 19-Nasheed
SB 310-Arthur	

## SENATE BILLS FOR PERFECTION

SB 20-Libla

## HOUSE BILLS ON THIRD READING

HCS for HBs 448 &amp; 206 (Sifton)

## INFORMAL CALENDAR

## CONSENT CALENDAR

Senate Bills

Reported 1/31

SB 17-Romine

RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 2-Hegeman

SCR 4-Curls, et al

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# Journal of the Senate

## FIRST REGULAR SESSION

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### FOURTEENTH DAY—MONDAY, FEBRUARY 4, 2019

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“Put your trust in God; for I will yet give thanks to him, who is the hope of my countenance and my God.” (Psalm 42:15)

Gracious God, we know that You know the difficulties many face in today’s trying times. So increase in us hope for the future and guide our hearts and minds in the task that is before us this week. And direct our work that we might produce that which is most helpful and needed by our people. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 31, 2019 day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Nasheed—1

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Walsh offered Senate Resolution No. 170, regarding Scott Wirtz, which was adopted.

Senator Rowden offered Senate Resolution No. 171, regarding Catherine Mayhan, Columbia, which was adopted.

Senator Rowden offered Senate Resolution No. 172, regarding Bethany Eppinger, Columbia, which was adopted.

Senator White offered Senate Resolution No. 173, regarding D&D Sexton Inc., Carthage, which was adopted.

Senator White offered Senate Resolution No. 174, regarding Silas Smith, Carthage, which was adopted.

Senator White offered Senate Resolution No. 175, regarding Daelon Shockley, Carthage, which was adopted.

Senator White offered Senate Resolution No. 176, regarding Certified Express Inc., Neosho, which was adopted.

Senator Romine offered Senate Resolution No. 177, regarding Chayton Akers, which was adopted.

Senator Hough offered Senate Resolution No. 178, regarding First Baptist Church, Springfield, which was adopted.

Senator Hough offered Senate Resolution No. 179, regarding Sophia Sampson, Springfield, which was adopted.

Senator Hough offered Senate Resolution No. 180, regarding Lindsay Firth, Springfield, which was adopted.

Senator Hough offered Senate Resolution No. 181, regarding Elizabeth Presley, Springfield, which was adopted.

Senator Hough offered Senate Resolution No. 182, regarding Kailyn White, Springfield, which was adopted.

Senator Hough offered Senate Resolution No. 183, regarding Ever Cole, Springfield, which was adopted.

Senator Sater offered Senate Resolution No. 184, regarding the Fortieth Anniversary of Mid-America Dental and Hearing, Mount Vernon, which was adopted.

On behalf of Senator Nasheed, Senator Walsh offered Senate Resolution No. 185, regarding Dr. Kenneth Haller, which was adopted.

Senator Libla offered Senate Resolution No. 186, regarding Mathey F. Fletcher, Malden, which was adopted.

Senator Libla offered Senate Resolution No. 187, regarding Kevin Shepard, Poplar Bluff, which was adopted.

Senator Libla offered Senate Resolution No. 188, regarding Jerry L. Sneathern, Poplar Bluff, which was adopted.

Senator Libla offered Senate Resolution No. 189, regarding Glendol D. Garrett, Poplar Bluff, which was adopted.

Senator Libla offered Senate Resolution No. 190, regarding Gerald Thomas “Jerry” Haff, which was

adopted.

Senator Libla offered Senate Resolution No. 191, regarding Trevor A. Noisworthy, Poplar Bluff, which was adopted.

Senator Libla offered Senate Resolution No. 192, regarding Timothy D. Lowe, Poplar Bluff, which was adopted.

Senator Libla offered Senate Resolution No. 193, regarding Roy Lee, Poplar Bluff, which was adopted.

Senator Libla offered Senate Resolution No. 194, regarding Ronald Allen Birmingham, Hayti, which was adopted.

Senator Libla offered Senate Resolution No. 195, regarding Dave Hill, Poplar Bluff, which was adopted.

Senator Libla offered Senate Resolution No. 196, regarding Billy Pat Wright, Dexter, which was adopted.

Senator Libla offered Senate Resolution No. 197, regarding Adam W. Jolly, Malden, which was adopted.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 330**—By Brown.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

**SB 331**—By Brown.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to memorial infrastructure.

**SB 332**—By Brown.

An Act to repeal section 302.181, RSMo, and to enact in lieu thereof one new section relating to driver's licenses.

**SB 333**—By Rizzo.

An Act to repeal section 321.242, RSMo, and to enact in lieu thereof one new section relating to a sales tax for fire protection.

**SB 334**—By Onder.

An Act to repeal sections 302.505, 302.510, 302.541, 302.545, 302.592, 302.700, 304.585, 478.007, 544.155, 577.001, 577.012, 577.021, and 577.037, RSMo, and to enact in lieu thereof thirteen new sections relating to the offense of driving with prohibited blood alcohol or drug content, with penalty provisions.

**SB 335**—By Onder.

An Act to amend chapter 195, RSMo, by adding thereto one new section relating to the sale of certain medical marijuana products, with penalty provisions.

**SB 336**—By Schupp.

An Act to repeal sections 208.044, 210.025, 210.201, 210.211, 210.245, 210.252, 210.254, and 210.1080, RSMo, and to enact in lieu thereof eight new sections relating to child care facilities, with penalty provisions.

**SB 337**—By Wieland.

An Act to repeal sections 436.415 and 436.460, RSMo, and to enact in lieu thereof two new sections relating to preneed funeral contracts.

**SB 338**—By Wieland.

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof one new section relating to emergency contraception coverage for MO HealthNet participants.

**SB 339**—By Wieland.

An Act to repeal sections 443.717, 443.825, and 443.857, RSMo, and to enact in lieu thereof three new sections relating to mortgage broker licensing.

**SB 340**—By Wieland.

An Act to repeal section 311.070, RSMo, and to enact in lieu thereof one new section relating to alcohol trade practices, with penalty provisions.

**SB 341**—By Wieland.

An Act to repeal sections 58.451 and 58.720, RSMo, and to enact in lieu thereof two new sections relating to death investigations.

**SB 342**—By Curls.

An Act to amend chapter 227, RSMo, by adding thereto two new sections relating to the designation of memorial infrastructure.

**SB 343**—By Eigel.

An Act to repeal sections 313.905, 313.915, 313.920, 313.925, 313.935, 313.945, 313.950, and 313.955, RSMo, and to enact in lieu thereof ten new sections relating to fantasy sports contests, with penalty provisions.

**SB 344**—By Eigel.

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to retail storage and transport of alcohol.

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 397**, entitled:

An Act to repeal sections 567.020, 578.421, 578.423, 578.427, and 610.131, RSMo, and to enact in lieu thereof five new sections relating to the protection of children from sex trafficking, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.



Read 1st time.

### INTRODUCTIONS OF GUESTS

Senator Romine introduced to the Senate, President Susan G. Heegaard, Vice President Rob Trembath, and Chair Ken Sauer of the Indiana Commission for Higher Education, representatives of the Midwest Higher Education Compact.

On motion of Senator Rowden, the Senate adjourned under the rules.

### SENATE CALENDAR

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FIFTEENTH DAY—TUESDAY, FEBRUARY 5, 2019

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### FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 221-Crawford	SB 243-Walsh
SB 222-Hough	SB 244-Walsh
SB 223-Brown	SB 245-Walsh
SB 224-Luetkemeyer	SB 246-Hough
SB 225-Curls	SB 247-Hough
SB 226-Sater	SB 248-Brown
SB 227-Sater	SB 249-Koenig
SB 228-Sater	SB 250-Koenig
SB 229-Crawford	SB 251-Koenig
SB 230-Crawford	SB 252-Wieland
SB 231-Hough	SB 253-Sater
SB 232-Sater	SB 254-Bernskoetter
SB 233-Sater	SB 255-Bernskoetter
SB 234-White	SB 256-Hegeman
SB 235-White	SB 257-Hoskins
SB 236-White	SB 258-Wallingford
SB 237-White	SB 259-Romine
SB 238-Emery	SB 260-Onder
SB 239-White	SB 261-Nasheed
SB 240-White	SB 262-Sater
SB 241-Rizzo	SB 263-Schupp
SB 242-Walsh	SB 264-Crawford

SB 265-Luetkemeyer	SB 305-Riddle
SB 266-Wieland	SB 306-White
SB 267-Wieland	SB 307-Cierpiot
SB 268-Wieland	SB 308-Onder
SB 269-Eigel	SB 309-Sater
SB 270-White and Crawford	SB 310-Arthur
SB 271-Emery	SB 311-Nasheed
SB 272-Emery	SB 312-Eigel
SB 273-Emery	SB 313-Onder
SB 274-Sater	SB 314-Burlison
SB 275-Sater	SB 315-Burlison
SB 276-Rowden	SB 316-Burlison
SB 277-Crawford	SB 317-Burlison
SB 278-Wallingford	SB 318-Burlison
SB 279-Onder and Emery	SB 319-Wieland
SB 280-Sater	SB 320-Hough
SB 281-Brown	SB 321-Hegeman
SB 282-Brown	SB 322-Bernskoetter
SB 283-Hoskins	SB 323-Hough
SB 284-Hoskins	SB 324-Arthur
SB 285-Hough	SB 325-Crawford
SB 286-Hough	SB 326-Sater
SB 287-Wieland	SB 327-Luetkemeyer
SB 288-Wieland	SB 328-Burlison
SB 289-Wieland	SB 329-Burlison
SB 290-Brown	SB 330-Brown
SB 291-Wallingford	SB 331-Brown
SB 292-Eigel	SB 332-Brown
SB 293-Hough	SB 333-Rizzo
SB 294-Hough	SB 334-Onder
SB 295-Hough	SB 335-Onder
SB 296-Cierpiot	SB 336-Schupp
SB 297-White	SB 337-Wieland
SB 298-White	SB 338-Wieland
SB 299-Rizzo, et al	SB 339-Wieland
SB 300-Eigel	SB 340-Wieland
SB 301-Eigel	SB 341-Wieland
SB 302-Wallingford	SB 342-Curls
SB 303-Riddle	SB 343-Eigel
SB 304-Riddle	SB 344-Eigel

SJR 16-Sifton  
SJR 17-Nasheed

SJR 18-Cunningham  
SJR 19-Nasheed

HOUSE BILLS ON SECOND READING

HCS for HB 397

SENATE BILLS FOR PERFECTION

SB 20-Libla

HOUSE BILLS ON THIRD READING

HCS for HBs 448 & 206 (Sifton)

INFORMAL CALENDAR

CONSENT CALENDAR

Senate Bills

Reported 1/31

SB 17-Romine

RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 2-Hegeman

SCR 4-Curls, et al

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# Journal of the Senate

## FIRST REGULAR SESSION

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### FIFTEENTH DAY—TUESDAY, FEBRUARY 5, 2019

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“And all of you must clothe yourselves with humility in dealing with one another, for God opposes the proud, but gives grace to the humble.” (1 Peter 5:5b)

Gracious God, as we work through this day and the many things that demand our best help us deal with one another and those who need our help, in humble ways so we communicate our sincere desire to use our gifts to do what we can that is most helpful. And may we do so in ways that are most respectful to those we interact this day and every day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Arthur offered Senate Resolution No. 198, regarding Nicole Wagoner, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 199, regarding Sienna Snead, Liberty, which was adopted.

Senator Arthur offered Senate Resolution No. 200, regarding Riley Sutherland, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 201, regarding Sabrina Madison, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 202, regarding Rachel Kim, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 203, regarding Rachel Adger, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 204, regarding Sydney Cole, Liberty, which was adopted.

Senator Arthur offered Senate Resolution No. 205, regarding Jenyn Pinkley, Kansas City, which was adopted.

Senator Schatz offered Senate Resolution No. 206, regarding Katie North, St. Clair, which was adopted.

### **CONCURRENT RESOLUTIONS**

Senator Burlison offered the following concurrent resolution:

#### **SENATE CONCURRENT RESOLUTION NO. 15**

Relating to the appointment and duties of commissioners to attend an Article V convention.

Whereas, it is necessary for each state to provide for the selection of commissioners to attend any Article V Convention:

Now Therefore Be It Resolved that the members of the Missouri Senate, One-Hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby adopt the following procedures for the selection of commissioners to attend an Article V Convention:

#### **Section 1. Selection of Commissioners**

When a convention is called to propose amendments to the United States Constitution pursuant to Article V of the United States Constitution, the selection and participation of commissioners from Missouri to such convention shall be governed by this Resolution.

#### **Section 2. Number, Eligibility, and Selection of Commissioners**

A. Missouri shall have a number of commissioners equal to the number of congressional districts in the state at the time with one commissioner from each congressional district and a number of alternate commissioners equal to the number of congressional districts in the state at the time with one alternate commissioner from each congressional district.

B. Commissioners and alternates shall be citizens of the State of Missouri and shall otherwise meet the same qualifications necessary to hold office in the Missouri House of Representatives. Commissioners and alternates may include persons holding public office, subject to further limits described below, except that no person will be eligible who is:

- (1) A member of the United States House of Representatives or Senate;
- (2) An employee of the United States;
- (3) An employee or other representative of a contractor with the United States; or
- (4) An elected official holding a statewide office.

Commissioners and alternates are also subject to those existing ethics rules which apply to members of the General Assembly.

C. The House of Representatives and Senate shall select, by adoption of a concurrent resolution, the commissioners and alternates who meet the eligibility requirements described herein and who are submitted to the House of Representatives and the Senate by the Joint Legislative Committee as provided in Section 4 of this resolution. Of the commissioners, at least one-third shall not be sitting members of the General Assembly. Of the alternate commissioners, at least one-third shall not be sitting members of the General Assembly.

D. A majority of the commissioners shall constitute a quorum for all decisions made by the delegation, and no commissioner may give his or her vote by proxy or otherwise to any other commissioner. The commissioners shall select a chairperson to administer the work of the commissioners.

Section 3. Authority of Commissioners

A. Each commissioner and alternate shall, by oath or affirmation as a condition of participating in the convention, agree to faithfully and impartially discharge all the duties incumbent upon a commissioner, including the duty to abide by instructions established by concurrent resolution of the General Assembly for participation in the convention and the duty to act only within the scope of the General Assembly's application for the convention, if Missouri applied for the convention in which the commissioners are participating. Each commissioner and alternate shall further agree to immediately notify the Joint Legislative Committee if he or she believes that any Missouri commissioner or alternate has violated his or her oath or instructions while participating in the convention.

B. Prior to the Article V Convention, the General Assembly shall consider "Recommended Commissioner Instructions" presented to it by the Joint Legislative Committee as discussed further in Section 4 of this resolution, and shall by concurrent resolution provide duly approved instructions to the commissioners and alternates regarding the scope of matters they may consider and vote on at convention, including rules of procedure and proposed amendments. Such instructions may be changed by the General Assembly prior to or during the convention. These instructions shall include, but shall not be limited to:

1. An instruction that the commissioners shall not support any voting rule other than the rule whereby each state exercises one vote; and
2. An instruction that on all voting matters at the convention, the decision of a simple majority of the Missouri commissioners shall constitute a single vote for the State of Missouri.

C. Any vote cast by a commissioner or alternate at an Article V convention that is outside the scope of any of the following is an unauthorized vote, and is therefore void:

1. The instructions established by any concurrent resolution adopted under this Resolution or later amending resolutions.
2. Any limits identified in the Missouri General Assembly's application for the convention.

Section 4. Authorization for and Role of the Joint Legislative Committee

A. After or near the time an Article V convention is called, a Joint Legislative Committee shall be duly authorized by the General Assembly for the purposes described in this section. The Joint Legislative Committee shall be comprised of five members of the Senate appointed by the President Pro Tempore of the Senate, with three members from the majority party and two members from the minority party, and five members of the House appointed by the Speaker of the House of Representatives, with three members from the majority party and two members from the minority party, and shall have the initial task of recommending eligible commissioners to the House of Representatives and the Senate for consideration of appointment as commissioners. The Joint Legislative Committee shall submit at least three persons from each congressional district who are eligible, as provided in this resolution, to serve as a commissioner and at least three different persons from each congressional district who are eligible, as provided in this resolution, to serve as an alternate commissioner. The House of Representatives and the Senate shall select a commissioner and alternate commissioner from each congressional district from the names submitted by the Joint Legislative Committee. The Joint Legislative Committee shall also be charged with presenting "Recommended Commissioner Instructions" to the full General Assembly for consideration leading to a concurrent resolution as discussed in Section 3(B) of this resolution. Such Commissioner Instructions will define the scope of matters the Commissioners may consider and vote on at the Article V Convention, including rules of procedure and proposed amendments as discussed more fully in Section 3 of this resolution. All recommendations that secure a simple majority vote of the members present will be deemed approved "Recommended Commissioner Instructions" to be submitted to the full General Assembly for its consideration.

B. After commissioners have been selected, the Joint Legislative Committee may recall any commissioner and revoke such commissioner's authority. However, the Joint Legislative Committee may only recall and revoke the authority in the event the commissioner casts or attempts to cast an unauthorized vote as described in this Resolution. The Joint Legislative Committee shall also appoint one of the selected alternates to take the place of a commissioner so recalled. The Joint Legislative Committee shall promptly investigate any notice that a commissioner or alternate has cast an unauthorized vote or otherwise exceeded the scope of the General Assembly's application for the convention or the General Assembly's instructions to the commissioners. The Joint Legislative Committee shall act to ensure that the commissioners remain faithful to the terms of the convention application and the General Assembly's instructions. Before or during the Article V Convention, the Joint Legislative Committee may advise the commissioners on questions which arise regarding the scope of the convention and the legislative instructions to commissioners.

C. By concurrent resolution, the General Assembly may change or supersede any action of the Joint Legislative Committee or recall commissioners or alternates to the convention, or appoint new commissioners or alternates.

D. The Joint Legislative Committee shall be authorized to conduct its business via telephone or by electronic communication.

Section 5. Conflicts with Convention Rules or Procedures

Should the provisions of this Resolution conflict with the rules or procedures established by the Article V convention, the General Assembly may by concurrent resolution conform these provisions to such rules or procedures; and

Be It Further Resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

### INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 345**—By Koenig, Emery, Eigel, Hoskins, O’Laughlin, Burlison, Onder, Brown, Bernskoetter, Wieland, Crawford and Wallingford.

An Act to repeal section 188.010, RSMo, and to enact in lieu thereof two new sections relating to abortion, with penalty provisions and a contingent effective date.

**SB 346**—By Schupp.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage of prescription contraceptives.

**SB 347**—By Burlison.

An Act to repeal sections 382.010 and 382.230, RSMo, and to enact in lieu thereof three new sections relating to insurance holding companies.

**SJR 20**—By Koenig.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 4(d) and 26 of article X of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to taxation.

### INTRODUCTIONS OF GUESTS

Senator Emery introduced to the Senate, Dr. Kenneth Jones, Clinton; and Trisha Riggs, Brianna Cline, Whitney Combs, Trish Lavish, Davis Guilliams and Hanna Pettit, representatives of Southwest Area Health Education Center, Springfield.

Senator Rowden introduced to the Senate, Chancellor Alexander Cartwright, University of Missouri, Columbia.

Senator Luetkemeyer introduced to the Senate, Mayor Kathy Rose, and Mike Duffy, Riverside; and representatives of Great Northwest Missouri Days, Buchanan County.

Senator Bernskoetter introduced to the Senate, President Dr. Jerald Jones Woolfolk, and representatives of Lincoln University, Jefferson City.

Senator Holsman introduced to the Senate, Joe Reardon, Kansas City Chamber of Commerce.

Senator Curls introduced to the Senate, Jean Johnson, Leather Branch and Davion Thomas, representatives of Lincoln University Alumni Association.

On behalf of Senators Bernskoetter, Emery, Hegeman, Hoskins, O’Laughlin, Riddle, Rowden, Sater, Libla and White, Senator Crawford introduced to the Senate, 2018-2019 State FFA Officers Paxton Dahmer, Nevada; Chloe Momphard, Troy; Regan Ragsdale, Holliday; Adriene Aubuchon, Owensville; Madison Bader, Hermann; Quentin Carlyle, East Prairie; Shelby Davies, Dawn; Madelyn Derks, King City; Hattie Grisham, Eldon; Alexandria Lock, Carrollton; McKenzie Loftis, Mount Vernon; Audrey Martin, Bucklin; Andi Montgomery, Everton; Dillon Reinitz, Brunswick; Ryan Siegel, Otterville; Hannah Viets, Sweet Springs; and Abby Bertz, Mayview.

Senator Schatz introduced to the Senate, the Physician of the Day, Dr. Kyle Ostron, and his wife, Felicia, Labadie.

On motion of Senator Rowden, the Senate adjourned under the rules.

## SENATE CALENDAR

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SIXTEENTH DAY—WEDNESDAY, FEBRUARY 6, 2019

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 221-Crawford	SB 247-Hough
SB 222-Hough	SB 248-Brown
SB 223-Brown	SB 249-Koenig
SB 224-Luetkemeyer	SB 250-Koenig
SB 225-Curls	SB 251-Koenig
SB 226-Sater	SB 252-Wieland
SB 227-Sater	SB 253-Sater
SB 228-Sater	SB 254-Bernskoetter
SB 229-Crawford	SB 255-Bernskoetter
SB 230-Crawford	SB 256-Hegeman
SB 231-Hough	SB 257-Hoskins
SB 232-Sater	SB 258-Wallingford
SB 233-Sater	SB 259-Romine
SB 234-White	SB 260-Onder
SB 235-White	SB 261-Nasheed
SB 236-White	SB 262-Sater
SB 237-White	SB 263-Schupp
SB 238-Emery	SB 264-Crawford
SB 239-White	SB 265-Luetkemeyer
SB 240-White	SB 266-Wieland
SB 241-Rizzo	SB 267-Wieland
SB 242-Walsh	SB 268-Wieland
SB 243-Walsh	SB 269-Eigel
SB 244-Walsh	SB 270-White and Crawford
SB 245-Walsh	SB 271-Emery
SB 246-Hough	SB 272-Emery



SB 273-Emery	SB 313-Onder
SB 274-Sater	SB 314-Burlison
SB 275-Sater	SB 315-Burlison
SB 276-Rowden	SB 316-Burlison
SB 277-Crawford	SB 317-Burlison
SB 278-Wallingford	SB 318-Burlison
SB 279-Onder and Emery	SB 319-Wieland
SB 280-Sater	SB 320-Hough
SB 281-Brown	SB 321-Hegeman
SB 282-Brown	SB 322-Bernskoetter
SB 283-Hoskins	SB 323-Hough
SB 284-Hoskins	SB 324-Arthur
SB 285-Hough	SB 325-Crawford
SB 286-Hough	SB 326-Sater
SB 287-Wieland	SB 327-Luetkemeyer
SB 288-Wieland	SB 328-Burlison
SB 289-Wieland	SB 329-Burlison
SB 290-Brown	SB 330-Brown
SB 291-Wallingford	SB 331-Brown
SB 292-Eigel	SB 332-Brown
SB 293-Hough	SB 333-Rizzo
SB 294-Hough	SB 334-Onder
SB 295-Hough	SB 335-Onder
SB 296-Cierpiot	SB 336-Schupp
SB 297-White	SB 337-Wieland
SB 298-White	SB 338-Wieland
SB 299-Rizzo, et al	SB 339-Wieland
SB 300-Eigel	SB 340-Wieland
SB 301-Eigel	SB 341-Wieland
SB 302-Wallingford	SB 342-Curls
SB 303-Riddle	SB 343-Eigel
SB 304-Riddle	SB 344-Eigel
SB 305-Riddle	SB 345-Koenig, et al
SB 306-White	SB 346-Schupp
SB 307-Cierpiot	SB 347-Burlison
SB 308-Onder	SJR 16-Sifton
SB 309-Sater	SJR 17-Nasheed
SB 310-Arthur	SJR 18-Cunningham
SB 311-Nasheed	SJR 19-Nasheed
SB 312-Eigel	SJR 20-Koenig

HOUSE BILLS ON SECOND READING

HCS for HB 397

SENATE BILLS FOR PERFECTION

SB 20-Libla

HOUSE BILLS ON THIRD READING

HCS for HBs 448 & 206 (Sifton)

INFORMAL CALENDAR

CONSENT CALENDAR

Senate Bills

Reported 1/31

SB 17-Romine

RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 2-Hegeman

SCR 4-Curls, et al

To be Referred

SCR 15-Burlison

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# Journal of the Senate

FIRST REGULAR SESSION

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**SIXTEENTH DAY—WEDNESDAY, FEBRUARY 6, 2019**

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The Senate met pursuant to adjournment.

Senator Hoskins in the Chair.

Senator Emery offered the following prayer:

In the book of Proverbs we read “A man’s heart plans his way, but the Lord determines his steps.” (Proverbs 16:9)

Heavenly Father, help us to put our trust in You to direct our way as we consider the needs of the those You have entrusted to us to serve - our families, our neighbors, and our constituents. Make us willing to lay aside our plans for Yours. Lead us on the path that prepares us for a future that You know already, but we have yet to discover. Help us to seek the truth as declared by Your written word and to discern how to obey it. We ask You for wisdom to make right decisions so we can pursue with our hearts and strength the path You have devised and chosen for us. I pray in Jesus name; amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Rowden announced photographers from Columbia Missourian, Missouri School of Journalism and KOMU-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—None

Vacancies—None

## REMONSTRANCES

Senator Rowden offered the following remonstrance:

### SENATE REMONSTRANCE NO. 1

Whereas, the University of Missouri-Columbia has a long tradition of athletic achievement in many sports and is a member of the National Collegiate Athletic Association (NCAA); and

Whereas, student-athletes at Mizzou spend countless hours maintaining a balance at achieving both academic and athletic excellence and should be commended for their dedication and work ethic; and

Whereas, the athletic department at Mizzou became aware of irregularities involving a tutor for some of the student-athletes; and

Whereas, in response to such awareness, the athletic department and administration immediately ended any association with the tutor and began an internal investigation and engaged in a joint investigation with the NCAA; and

Whereas, the athletic department was open and forthright with both the NCAA and the Southeastern Conference about the allegations; and

Whereas, unlike other member institutions of the NCAA, Mizzou did not try to obstruct the NCAA investigation and, in fact, cooperated fully with the NCAA; and

Whereas, there was no evidence in the resulting NCAA investigation that any administrator or university personnel in any way pressured the tutor into completing the student-athletes' work; rather that the tutor acted of her own accord and the NCAA report said as much when it was written that "Missouri did the right thing" in cooperating with its investigation and found fault with the tutor who received a ten year show-cause penalty; and

Whereas, despite the lack of any evidence of systemic problems in the athletic department and having the full cooperation and openness of the University, the NCAA Division I Committee on Infractions handed down a disproportionate penalty to the University of Missouri football, baseball, and softball programs, including a ban on post season play for their upcoming seasons as well as limitations on scholarships and recruiting and vacation of some wins and records; and

Whereas, the penalty is inconsistent and arbitrary when compared with the penalties handed down to other member institutions for far worse offenses and where the institution did not cooperate with the investigation; and

Whereas, this unjust and harsh penalty demonstrates the continued erosion of the credibility of the NCAA as a governing body for collegiate athletics; and

Whereas, if this unjust and harsh penalty is not reversed upon appeal by the University of Missouri, then serious questions should be asked about the continued need for the NCAA; and

Whereas, because of these onerous, unfair, and overly punitive sanctions, student-athletes who were not at fault in the least for the actions of the tutor will be the ones to suffer the punishment and deleterious effect on their collegiate athletic careers; and

Whereas, the decision of the NCAA tells other collegiate programs that doing the right thing and cooperating with an investigation should be the last resort; and

Whereas, the decision will erode what little faith many people had left in the ability of the NCAA to oversee collegiate athletics; and

Whereas, it is the duty of this body to speak out and demand the NCAA reverse its decision regarding the University of Missouri:

Now, Therefore, Be It Resolved by the members of the Missouri Senate, One-Hundredth General Assembly, First Regular Session, hereby remonstrate against the NCAA for its unfair and harsh sanctioning of the athletic department of the University of Missouri-Columbia; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Mark Emmert, President of the NCAA.

## RESOLUTIONS

Senator Cunningham offered Senate Resolution No. 207, regarding Violet Watson, Mountain Grove, which was adopted.

Senator Hegeman offered Senate Resolution No. 208, regarding Olivia Zimmerman, Liberty, which was adopted.

Senator Cunningham offered Senate Resolution No. 209, regarding FMC Transport Inc., which was adopted.

Senator Brown offered Senate Resolution No. 210, regarding Walmart Transportation, which was adopted.

Senator Emery offered Senate Resolution No. 211, regarding Rose Steuck, Rockville, which was adopted.

Senator Onder offered Senate Resolution No. 212, regarding Charles Leo “Charlie” Roth, Defiance, which was adopted.

Senator Wallingford offered Senate Resolution No. 213, regarding Buchheit Logistics Inc., which was adopted.

Senator Eigel offered Senate Resolution No. 214, regarding Paul Otto “Bert” Bertman, St. Peters, which was adopted.

Senator Eigel offered Senate Resolution No. 215, regarding Norbert Daniel “Dan” Wilmes, St. Charles, which was adopted.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 348**—By O’Laughlin.

An Act to repeal section 290.502, RSMo, and to enact in lieu thereof one new section relating to the minimum wage rate required to be paid to employees of private religious schools.

**SB 349**—By O’Laughlin.

An Act to repeal sections 167.268 and 167.645, RSMo, and to enact in lieu thereof two new sections relating to reading intervention in schools.

**SB 350**—By O’Laughlin.

An Act to repeal section 441.233 and 535.010, RSMo, and to enact in lieu thereof three new sections relating to the removal of a tenant from a commercial property.

**SB 351**—By Williams.

An Act to repeal section 174.125, RSMo, and to enact in lieu thereof one new section relating to teacher training on trauma-informed approach.

**SB 352**—By Williams.

An Act to repeal sections 337.020, 337.025, 337.050, 337.315, 337.320, 337.507, 337.510, 337.515, 337.612, 337.615, 337.618, 337.662, 337.712, 337.715, and 337.718, RSMo, and to enact in lieu thereof sixteen new sections relating to cultural competency training for health care professionals.

**SB 353**—By Emery.

An Act to repeal section 195.080, RSMo, and to enact in lieu thereof one new section relating to opioid controlled substance prescriptions.

**SB 354**—By Cierpiot.

An Act to repeal section 407.825, RSMo, and to enact in lieu thereof two new sections relating to the

motor vehicle franchise practices act.

**SB 355**—By Cierpiot.

An Act to repeal section 135.100, RSMo, and to enact in lieu thereof one new section relating to a tax credit for new business facilities.

**SB 356**—By Bernskoetter.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to poaching, with penalty provisions.

## SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

**SCR 15**—Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

## RECESS

The time of recess having expired, the Senate was called to order by Senator Hoskins.

## SENATE BILLS FOR PERFECTION

Senator Libla moved that **SB 20** be taken up for perfection, which motion prevailed.

On motion of Senator Libla, **SB 20** was declared perfected and ordered printed.

## HOUSE BILLS ON THIRD READING

**HCS** for **HBs 448** and **206**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

Was taken up by Senator Sifton.

On motion of Senator Sifton, **HCS** for **HBs 448** and **206** was read the 3rd time and passed by the following vote:

### YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

### NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Sifton, title to the bill was agreed to.

Senator Sifton moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### CONCURRENT RESOLUTIONS

**SCR 2**, introduced by Senator Hegeman, entitled:

Relating to the replacement of a statue in the Statutory Hall of the Capitol of the United States.

Was taken up.

On motion of Senator Hegeman, **SCR 2** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the concurrent resolution passed.

On motion of Senator Hegeman, title to the concurrent resolution was agreed to.

Senator Hegeman moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### RESOLUTIONS

Senator White offered Senate Resolution No. 216, regarding Chase Shockley, Carthage, which was adopted.

Senator Libla offered Senate Resolution No. 217, regarding Three Rivers College, Poplar Bluff, which was adopted.

### COMMUNICATIONS

President Pro Tem Schatz submitted the following:

February 5, 2019

Ms. Adriane Crouse  
Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to RSMo 160.254, I am appointing Senators Ed Emery, Cindy O’Laughlin, and Andrew Koenig to replace Senators Rowden, Dan Hegeman, and Paul Wieland on the Joint Committee on Education.

Please do not hesitate to contact my office if you have any questions.

Sincerely,



Dave Schatz

President Pro Tem

Also,

February 6, 2019

Ms. Adriane Crouse  
Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to RsMO 680.200, I am reappointing Senator Ed Emery for a new term on the Midwest Interstate Passenger Rail Commission.

Please do not hesitate to contact my office if you have any questions.

Sincerely,



Dave Schatz

President Pro Tem

Also,

February 6, 2019

Ms. Adriane Crouse  
Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to RSMo 104.160, I am appointing Senator Mike Bernskoetter to fill my position on the Missouri Department of Transportation and Highway Patrol Employees' Retirement System Board of Trustees.

Please do not hesitate to contact my office if you have any questions.

Sincerely,



Dave Schatz

President Pro Tem

Also,

February 6, 2019

Ms. Adriane Crouse  
Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to RSMo 21.553, I am appointing Senator Mike Bernskoetter to replace former Senator Rob Schaaf on the Joint Committee on Public Employee Retirement.



Please do not hesitate to contact my office if you have any questions.

Sincerely,



Dave Schatz

President Pro Tem

### **INTRODUCTIONS OF GUESTS**

Senator O’Laughlin introduced to the Senate, Beth Summers, Macon; and Makayla Garza, Shelbina, representatives of Family, Career and Community Leaders of America.

Senator Sifton introduced to the Senate, Dean and Linda Hermann Wimpfheimer, St. Louis County.

Senator Brown introduced to the Senate, Police Chief Sean Fagan, Rolla.

Senator Schupp introduced to the Senate, Abygail Ruether, Troy; and Nova Girtten, Tipton, representatives of Missouri Family, Career and Community Leaders of America.

Senator White introduced to the Senate, Mary Hayes, Cassville, representative of Family, Career and Community Leaders of America.

Senator Crawford introduced to the Senate, representatives of the American College of Obstetricians and Gynecologists; representatives of the Missouri Hospice and Palliative Care Association; and Kaylee Pipes, Osceola, and Madison Atkinson, Buffalo, representatives of Family, Career and Community Leaders of America.

Senator Williams introduced to the Senate, Dr. Jeff Pittman, St. Louis.

Senator Riddle introduced to the Senate, Luc Bronaugh, Montgomery City, representative of Family, Career and Community Leaders of America.

Senator Wallingford introduced to the Senate, Emily Pickett, Zalma.

Senator Rowden introduced to the Senate, Catherine Mayhan and Bethany Eppinger, Columbia.

Senator Cunningham introduced to the Senate, Edward Hansford, Thayer, representative of Family, Career and Community Leaders of America.

Senator Cunningham introduced to the Senate, the Physician of the Day, Dr. Nathaniel Barbe, M.S., D.O., Mountain Grove.

Senator Hoskins introduced to the Senate, Brittney Kerley, representative of Family, Career and Community Leaders of America; and Crystall Narr, Amy Mason, Ed Douglas, Darin Chappell and Amy Supple, representatives of the Chillicothe Chamber of Commerce.

Senator Curls introduced to the Senate, Kari Russell, Macon.

Senator Brown introduced to the Senate, Alan Gerson and Doyle Edwards, Rolla.

On motion of Senator Rowden, the Senate adjourned under the rules.

## SENATE CALENDAR

SEVENTEENTH DAY—THURSDAY, FEBRUARY 7, 2019

## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 221-Crawford	SB 252-Wieland
SB 222-Hough	SB 253-Sater
SB 223-Brown	SB 254-Bernskoetter
SB 224-Luetkemeyer	SB 255-Bernskoetter
SB 225-Curls	SB 256-Hegeman
SB 226-Sater	SB 257-Hoskins
SB 227-Sater	SB 258-Wallingford
SB 228-Sater	SB 259-Romine
SB 229-Crawford	SB 260-Onder
SB 230-Crawford	SB 261-Nasheed
SB 231-Hough	SB 262-Sater
SB 232-Sater	SB 263-Schupp
SB 233-Sater	SB 264-Crawford
SB 234-White	SB 265-Luetkemeyer
SB 235-White	SB 266-Wieland
SB 236-White	SB 267-Wieland
SB 237-White	SB 268-Wieland
SB 238-Emery	SB 269-Eigel
SB 239-White	SB 270-White and Crawford
SB 240-White	SB 271-Emery
SB 241-Rizzo	SB 272-Emery
SB 242-Walsh	SB 273-Emery
SB 243-Walsh	SB 274-Sater
SB 244-Walsh	SB 275-Sater
SB 245-Walsh	SB 276-Rowden
SB 246-Hough	SB 277-Crawford
SB 247-Hough	SB 278-Wallingford
SB 248-Brown	SB 279-Onder and Emery
SB 249-Koenig	SB 280-Sater
SB 250-Koenig	SB 281-Brown
SB 251-Koenig	SB 282-Brown

SB 283-Hoskins	SB 323-Hough
SB 284-Hoskins	SB 324-Arthur
SB 285-Hough	SB 325-Crawford
SB 286-Hough	SB 326-Sater
SB 287-Wieland	SB 327-Luetkemeyer
SB 288-Wieland	SB 328-Burlison
SB 289-Wieland	SB 329-Burlison
SB 290-Brown	SB 330-Brown
SB 291-Wallingford	SB 331-Brown
SB 292-Eigel	SB 332-Brown
SB 293-Hough	SB 333-Rizzo
SB 294-Hough	SB 334-Onder
SB 295-Hough	SB 335-Onder
SB 296-Cierpiot	SB 336-Schupp
SB 297-White	SB 337-Wieland
SB 298-White	SB 338-Wieland
SB 299-Rizzo, et al	SB 339-Wieland
SB 300-Eigel	SB 340-Wieland
SB 301-Eigel	SB 341-Wieland
SB 302-Wallingford	SB 342-Curls
SB 303-Riddle	SB 343-Eigel
SB 304-Riddle	SB 344-Eigel
SB 305-Riddle	SB 345-Koenig, et al
SB 306-White	SB 346-Schupp
SB 307-Cierpiot	SB 347-Burlison
SB 308-Onder	SB 348-O'Laughlin
SB 309-Sater	SB 349-O'Laughlin
SB 310-Arthur	SB 350-O'Laughlin
SB 311-Nasheed	SB 351-Williams
SB 312-Eigel	SB 352-Williams
SB 313-Onder	SB 353-Emery
SB 314-Burlison	SB 354-Cierpiot
SB 315-Burlison	SB 355-Cierpiot
SB 316-Burlison	SB 356-Bernskoetter
SB 317-Burlison	SJR 16-Sifton
SB 318-Burlison	SJR 17-Nasheed
SB 319-Wieland	SJR 18-Cunningham
SB 320-Hough	SJR 19-Nasheed
SB 321-Hegeman	SJR 20-Koenig
SB 322-Bernskoetter	

## HOUSE BILLS ON SECOND READING

HCS for HB 397

## INFORMAL CALENDAR

## CONSENT CALENDAR

Senate Bills

Reported 1/31

SB 17-Romine

## RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 4-Curls, et al

## MISCELLANEOUS

To be Referred

REMONSTRANCE 1-Rowden

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# Journal of the Senate

## FIRST REGULAR SESSION

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### SEVENTEENTH DAY—THURSDAY, FEBRUARY 7, 2019

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“Give thanks to the Lord for he is good; his steadfast love endures forever.” (Psalm 118:1)

Dear Lord, as we finish up our work here and drive home to loved ones, though the weather isn't what we would prefer, let us drive safely and cautiously and have an appreciation for the rain that waters our grounds and helps to prepare it for the time of planting in just a few short weeks. May we give thanks for all that comes from Your gracious hand and help us be good stewards of all Your gifts to us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Nasheed—1

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Cunningham offered Senate Resolution No. 218, regarding Lyndall Fraker, Marshfield, which

was adopted.

Senator Hough offered Senate Resolution No. 219, regarding Koby Ljunggren, Battlefield, which was adopted.

Senator Hough offered Senate Resolution No. 220, regarding Tyree Davis IV, Kansas City, which was adopted.

Senator Hough offered Senate Resolution No. 221, regarding Tia Clemens, Springfield, which was adopted.

Senator Hough offered Senate Resolution No. 222, regarding Daezia Smith, Springfield, which was adopted.

Senator Hough offered Senate Resolution No. 223, regarding Husref Rizvanovic, Kansas City, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 224, regarding Park Hill School District, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 225, regarding Harper Haus Music Company, Platte City, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 226, regarding Re/Max House of Dreams, Platte City, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 227, regarding the Fiftieth Wedding Anniversary of Bill and Betty Knight, Platte City, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 228, regarding Bianca Mayfield-Miller, Kansas City, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 229, regarding Dr. Stephanie Amaya, Kansas City, which was adopted.

Senator Williams offered Senate Resolution No. 230, regarding Jennings High School Student Council, which was adopted.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 357**—By Sater.

An Act to repeal section 338.010, RSMo, and to enact in lieu thereof one new section relating to the practice of pharmacy.

**SB 358**—By Sater.

An Act to repeal sections 191.603, 191.605, and 191.607, RSMo, and to enact in lieu thereof three new sections relating to the health professional student loan repayment program.

**SB 359**—By Eigel.

An Act to repeal sections 301.020, 301.032, 301.074, 301.132, 301.147, 301.190, 301.191, 301.380, 301.443, 301.800, 307.350, 307.353, 307.355, 307.360, 307.365, 307.370, 307.375, 307.380, 307.385, 307.390, 307.402, 643.303, and 643.315, RSMo, and to enact in lieu thereof eighteen new sections relating

to vehicle safety inspections, with penalty provisions and an effective date.

**SB 360**—By Crawford.

An Act to repeal sections 210.790 and 211.171, RSMo, and to enact in lieu thereof one new section relating to foster parents.

**SB 361**—By Riddle.

An Act to repeal sections 567.020, 578.421, 578.423, and 610.131, RSMo, and to enact in lieu thereof four new sections relating to the protection of children from sex trafficking, with penalty provisions.

**SB 362**—By Riddle.

An Act to repeal sections 208.909, 208.918, and 208.924, RSMo, and to enact in lieu thereof four new sections relating to in-home services.

**SB 363**—By Riddle.

An Act to repeal section 43.540, RSMo, and to enact in lieu thereof three new sections relating to background checks, with a penalty provision and an emergency clause.

**SB 364**—By Williams.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to a tax deduction for the hiring of certain employees.

**SB 365**—By Hoskins.

An Act to amend chapter 161, RSMo, by adding thereto eleven new sections relating to elementary and secondary education.

**SB 366**—By Hoskins.

An Act to repeal section 135.750, RSMo, and to enact in lieu thereof one new section relating to tax credits for qualified film projects.

**SB 367**—By Burlison.

An Act to repeal section 1.320, RSMo, and to enact in lieu thereof nine new sections relating to additional protections to the right to bear arms.

**SB 368**—By Hough.

An Act to repeal section 301.560, RSMo, and to enact in lieu thereof one new section relating to vehicle dealer license plates.

### **MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor, which was read:

GOVERNOR  
STATE OF MISSOURI  
February 7, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment:

Nicole E. Wood, Republican, 583 East Capri Drive, Bonne Terre, Saint Francois County, Missouri 63628, as a member of the Conservation Commission, for a term ending June 30, 2023, and until her successor is duly appointed and qualified; vice, Nicole

E. Wood, withdrawn.

Respectfully submitted,  
Michael L. Parson  
Governor

Senator Schatz moved that the above appointment be returned to the Governor per his request, which motion prevailed.

### **REPORTS OF STANDING COMMITTEES**

Senator Schatz, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Jamie S. Kondis, as a member of the Child Abuse and Neglect Review Board;

Also,

Robert “Bob” Nance, Republican, as a member of the Clay County Board of Election Commissioners;

Also,

Donald E. Phillips, Republican, as a member of the Board of Probation and Parole;

Also,

Blake Sherer, Republican, as a member of the Clay County Board of Election Commissioners; and

Linda Sue Hermann Wimpfheimer, as a member of the Committee for Professional Counselors.

Senator Schatz requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Schatz moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

President Pro Tem Schatz assumed the Chair.

Senator Emery, Chairman of the Committee on Government Reform, submitted the following reports:

Mr. President: Your Committee on Government Reform, to which was referred **SB 49**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **SB 7**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Libla, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was



referred **SB 89**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 39**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **SB 4**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wallingford, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 131**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Onder, Chairman of the Committee on Health and Pensions, submitted the following report:

Mr. President: Your Committee on Health and Pensions, to which was referred **SB 6**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wieland, Chairman of the Committee on Insurance and Banking, submitted the following reports:

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 103**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 54**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Koenig, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 160**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 6**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 10**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 5**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 20**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Hoskins, Chairman of the Committee on Small Business and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business and Industry, to which was referred **SB 44**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business and Industry, to which was referred **SB 38**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Cierpiot, Chairman of the Committee on Economic Development, submitted the following reports:

Mr. President: Your Committee on Economic Development, to which was referred **SB 28**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, to which was referred **SB 56**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crawford, Chairman of the Committee on Local Government and Elections, submitted the following report:

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 21**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Kehoe assumed the Chair.

### **THIRD READING OF SENATE BILLS**

**SB 17**, introduced by Senator Romine, entitled:

An Act to repeal section 169.560, RSMo, and to enact in lieu thereof one new section relating to the public school retirement system of Missouri, with an emergency clause.

Was taken up.

On motion of Senator Romine, **SB 17** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Nasheed—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Nasheed—1

Vacancies—None

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 67**, entitled:

An Act to repeal sections 479.020, 479.190, and 479.353, RSMo, and to enact in lieu thereof five new

sections relating to municipal courts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **REFERRALS**

President Pro Tem Schatz referred **SB 20** to the Committee on Fiscal Oversight.

President Pro Tem Schatz referred **SRM 1** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 221**—Local Government and Elections.

**SB 222**—Economic Development.

**SB 223**—Judiciary and Civil and Criminal Jurisprudence.

**SB 224**—Judiciary and Civil and Criminal Jurisprudence.

**SB 225**—Progress and Development.

**SB 226**—Health and Pensions.

**SB 227**—Small Business and Industry.

**SB 228**—Small Business and Industry.

**SB 229**—Insurance and Banking.

**SB 230**—Seniors, Families and Children.

**SB 231**—Small Business and Industry.

**SB 232**—Seniors, Families and Children.

**SB 233**—Seniors, Families and Children.

**SB 234**—Transportation, Infrastructure and Public Safety.

**SB 235**—Health and Pensions.

**SB 236**—Judiciary and Civil and Criminal Jurisprudence.

**SB 237**—Judiciary and Civil and Criminal Jurisprudence.

**SB 238**—Small Business and Industry.

**SB 239**—Local Government and Elections.

**SB 240**—General Laws.

**SB 241**—Economic Development.

**SB 242**—Transportation, Infrastructure and Public Safety.

**SB 243**—General Laws.

**SB 244**—Judiciary and Civil and Criminal Jurisprudence.

**SB 245**—Education.

**SB 246**—Insurance and Banking.

**SB 247**—Professional Registration.

**SB 248**—Government Reform.

**SB 249**—General Laws.

**SB 250**—General Laws.

**SB 251**—Professional Registration.

**SB 252**—Insurance and Banking.

**SB 253**—Seniors, Families and Children.

**SB 254**—Transportation, Infrastructure and Public Safety.

**SB 255**—Economic Development.

**SB 256**—Local Government and Elections.

**SB 257**—Government Reform.

**SB 258**—Professional Registration.

**SB 259**—Education.

**SB 260**—Ways and Means.

**SB 261**—Seniors, Families and Children.

**SB 262**—Seniors, Families and Children.

**SB 263**—Health and Pensions.

**SB 264**—Professional Registration.

**SB 265**—Education.

**SB 266**—Government Reform.

**SB 267**—Insurance and Banking.

**SB 268**—General Laws.

**SB 269**—General Laws.

**SB 270**—Judiciary and Civil and Criminal Jurisprudence.

**SB 271**—Government Reform.

**SB 272**—Education.

**SB 273**—Commerce, Consumer Protection, Energy and the Environment.

**SB 274**—Seniors, Families and Children.

**SB 275**—Health and Pensions.

**SB 276**—Government Reform.

**SB 277**—Seniors, Families and Children.

**SB 278**—Commerce, Consumer Protection, Energy and the Environment.

**SB 279**—Health and Pensions.

**SB 280**—Health and Pensions.

**SB 281**—Insurance and Banking.

**SB 282**—General Laws.

**SB 283**—Veterans and Military Affairs.

**SB 284**—Local Government and Elections.

**SB 285**—Economic Development.

**SB 286**—Agriculture, Food Production and Outdoor Resources.

**SB 287**—Insurance and Banking.

**SB 288**—Judiciary and Civil and Criminal Jurisprudence.

**SB 289**—Commerce, Consumer Protection, Energy and the Environment.

**SB 290**—Transportation, Infrastructure and Public Safety.

**SB 291**—Commerce, Consumer Protection, Energy and the Environment.

**SB 292**—General Laws.

## COMMUNICATIONS

President Pro Tem Schatz submitted the following:

February 7, 2019

Adriane Crouse  
Secretary of the Senate  
201 W. Capitol Ave. Rm 325  
Jefferson City, MO

Dear Mrs. Crouse,

Pursuant to Rule 12, I am making the following changes to committee assignments:

I remove Senator Cindy O’Laughlin from the committee on Local Government and Elections and appoint Senator Doug Libla.

I remove Senator Doug Libla from the committee on Agriculture, Food Production, and Outdoor Resources and appoint Senator Cindy O’Laughlin.

Sincerely,



Dave Schatz

President Pro Tem

## INTRODUCTIONS OF GUESTS

Senator Eigel introduced to the Senate, Amy Gall and Kelly Grogan, and home-school students from Team Kiddos, Andrew, Caleb, Gabriella, Rachel, Jacob, John, Carter and Caitlyn, St. Charles.

On motion of Senator Rowden, the Senate adjourned until 4:00 p.m., Monday, February 11, 2019.

SENATE CALENDAR

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EIGHTEENTH DAY—MONDAY, FEBRUARY 11, 2019

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 293-Hough  
SB 294-Hough  
SB 295-Hough  
SB 296-Cierpiot  
SB 297-White  
SB 298-White  
SB 299-Rizzo, et al  
SB 300-Eigel  
SB 301-Eigel  
SB 302-Wallingford  
SB 303-Riddle  
SB 304-Riddle  
SB 305-Riddle  
SB 306-White  
SB 307-Cierpiot  
SB 308-Onder  
SB 309-Sater  
SB 310-Arthur  
SB 311-Nasheed  
SB 312-Eigel  
SB 313-Onder  
SB 314-Burlison  
SB 315-Burlison  
SB 316-Burlison  
SB 317-Burlison  
SB 318-Burlison  
SB 319-Wieland  
SB 320-Hough

SB 321-Hegeman  
SB 322-Bernskoetter  
SB 323-Hough  
SB 324-Arthur  
SB 325-Crawford  
SB 326-Sater  
SB 327-Luetkemeyer  
SB 328-Burlison  
SB 329-Burlison  
SB 330-Brown  
SB 331-Brown  
SB 332-Brown  
SB 333-Rizzo  
SB 334-Onder  
SB 335-Onder  
SB 336-Schupp  
SB 337-Wieland  
SB 338-Wieland  
SB 339-Wieland  
SB 340-Wieland  
SB 341-Wieland  
SB 342-Curls  
SB 343-Eigel  
SB 344-Eigel  
SB 345-Koenig, et al  
SB 346-Schupp  
SB 347-Burlison  
SB 348-O'Laughlin

SB 349-O'Laughlin  
SB 350-O'Laughlin  
SB 351-Williams  
SB 352-Williams  
SB 353-Emery  
SB 354-Cierpiot  
SB 355-Cierpiot  
SB 356-Bernskoetter  
SB 357-Sater  
SB 358-Sater  
SB 359-Eigel  
SB 360-Crawford  
SB 361-Riddle

SB 362-Riddle  
SB 363-Riddle  
SB 364-Williams  
SB 365-Hoskins  
SB 366-Hoskins  
SB 367-Burlison  
SB 368-Hough  
SJR 16-Sifton  
SJR 17-Nasheed  
SJR 18-Cunningham  
SJR 19-Nasheed  
SJR 20-Koenig

#### HOUSE BILLS ON SECOND READING

HCS for HB 397

HCS for HB 67

#### THIRD READING OF SENATE BILLS

SB 20-Libla (In Fiscal Oversight)

#### SENATE BILLS FOR PERFECTION

1. SB 49-Rowden with SCS
2. SB 7-Emery
3. SB 89-Libla and Brown, with SCS
4. SB 39-Onder
5. SB 4-Sater
6. SB 6-Sater, with SCS

7. SB 160-Koenig, with SCS
8. SB 44-Hoskins, with SCS
9. SB 38-Onder
10. SB 28-Hegeman, with SCS
11. SB 56-Cierpiot, with SCS
12. SB 21-Libla

#### INFORMAL CALENDAR

#### CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 131-Emery, with SCS

SB 103-Schupp



SB 54-Crawford

RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 4-Curls, et al  
SCR 5-Wallingford

SCR 6-Schupp  
SCR 10-Rowden

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# Journal of the Senate

## FIRST REGULAR SESSION

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**EIGHTEENTH DAY—MONDAY, FEBRUARY 11, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“Get wisdom; get insight: do not forget, nor turn away from the words of my mouth.” (Proverbs 4:5)

Almighty God we thank You for the safe travel to this place, as You watched our going out and coming in. You seek ways to teach us that we can improve our lives and actions by learning from Your word and You help us to learn from our experiences, in the ups and downs of life. May we grow in wisdom from such moments and gain insight so we may better serve those who elected us and those with whom we make contact this week. May Your Holy Spirit guide our hearts and minds so what we say and do reflects what we have learned and put into action every day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 7, 2019 was read and approved.

Senator Rowden requested unanimous consent of the Senate to allow U.S. Marshal Mark James to enter the Chamber with side arms, which request was granted.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Nasheed—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Hough offered Senate Resolution No. 231, regarding Wilson Logistics, which was adopted.

Senator Schatz offered Senate Resolution No. 232, regarding John Cantrell Rice, Sullivan, which was adopted.

Senator Sifton offered Senate Resolution No. 233, regarding Carl R. Dickey, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 234, regarding Robert Donald “Bob” Furrer, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 235, regarding Robert Joseph “Bob” Hirner, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 236, regarding David James “Dave” Johnston Jr., Affton, which was adopted.

Senator Sifton offered Senate Resolution No. 237, regarding Ronald Phillip Ladd, St. Louis, which was adopted.

On behalf of Senator Nasheed, Senator Walsh offered Senate Resolution No. 238, regarding the death of Samuel Lee Taylor III, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 239, regarding the Fiftieth Wedding Anniversary of Michael and Mary Jane Forck, Jefferson City, which was adopted.

Senator Curls offered Senate Resolution No. 240, regarding the death of Dr. James Frank, which was adopted.

Senator Schatz offered Senate Resolution No. 241, regarding Robert Dean “Bob” Elsea, Chesterfield, which was adopted.

Senator Williams offered Senate Resolution No. 242, regarding Donald Jehu Lewis Sr., Vinita Park, which was adopted.

Senator Sifton offered Senate Resolution No. 243, regarding St. Louis County Police Department Officer Mark Meyers, which was adopted.

Senator Sifton offered Senate Resolution No. 244, regarding St. Louis County Police Department Officer Jon Brannan, which was adopted.

Senator Williams offered Senate Resolution No. 245, regarding Dr. Anissa Harris, which was adopted.

Senator Williams offered Senate Resolution No. 246, regarding First Missionary Baptist Church of Robertson, which was adopted.

Senator Williams offered Senate Resolution No. 247, regarding William “Bill” Miller, which was adopted.

Senator Williams offered Senate Resolution No. 248, regarding Kinloch Fire Protection District, which was adopted.

Senator Williams offered Senate Resolution No. 249, regarding City of Kinloch, which was adopted.

Senator Rowden offered Senate Resolution No. 250, regarding Police Chief Lyn Woolford, Ashland,

which was adopted.

Senator Rowden offered Senate Resolution No. 251, regarding Columbia Audubon Society, which was adopted.

Senator Crawford offered Senate Resolution No. 252, regarding Donna J. Hart, Osceola, which was adopted.

Senator Riddle offered Senate Resolution No. 253, regarding Monroe City Police Sergeant and volunteer firefighter Zach James, which was adopted.

Senator Cunningham offered the following resolution:

SENATE RESOLUTION NO. 254

Whereas, the city of West Plains, Missouri seeks to host the National Junior College Athletic Association (NJCAA) Division 1 National Volleyball Tournament for the years 2020, 2021, and 2022; and

Whereas, West Plains was host to nine successful NJCAA Division 1 National Volleyball Tournaments from 2001 to 2012; and

Whereas, the city of West Plains has a proven track record of successfully hosting this tournament in the past and, since last hosting the tournament, has seen additional hotel space added in the city and an increased and unprecedented level of community support for hosting the tournament; and

Whereas, the central location of West Plains near a number of major airports makes travel to the area very convenient for tournament participants; and

Whereas, West Plains hosts a number of restaurant and shopping options, but is also only two hours from the entertainment hub of Branson; and

Whereas, the level of community commitment and support for this tournament makes West Plains the ideal location to host the tournament in the coming years; and

Now Therefore Be It Resolved that the members of the Missouri Senate, One-hundredth General Assembly, First Regular Session, offer their support to the bid of the city of West Plains to host the NJCAA Division 1 National Volleyball Tournaments for the years 2020, 2021, and 2022; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copy of this resolution to the executive director of National Junior College Athletic Association.

**CONCURRENT RESOLUTIONS**

Senator Wieland offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 16

Whereas, in January 1973, the Supreme Court of the United States ruled in *Roe v. Wade* that abortion is protected by the Constitution of the United States, and in doing so effectively removed legal protection from human beings prior to birth; and

Whereas, the ramifications of the court's decision created a moral morass and was a step in the wrong direction for our nation; and

Whereas, each and every innocent human life is unique and precious and that human life begins at the moment of conception and continues, uninterrupted, until the moment of natural death; and

Whereas, each innocent human life must always be protected and preserved, and in all possible ways our country should promote a culture of life; and

Whereas, each state should enact laws that protect unborn human life; and

Whereas, the Missouri General Assembly on behalf of Missourians has spoken out in defense of the sanctity of life, and has done so in connection with contemporary threats to the life of the unborn; and

Whereas, other states in the union have not shared this mission to preserve life and have demonstrated contempt towards the most vulnerable in our society; and

Whereas, New York Governor Andrew Cuomo signed legislation permitting abortion on demand; and

Whereas, the State of New York removed abortion from their criminal code; and

Whereas, the State of New York put women's health at risk by allowing non-physicians to perform or induce abortions; and

Whereas, the State of New York has failed to live up to ethical standards that Missourians demand of us and the State of New York, by their actions, have added to the moral chaos that is plaguing this country:

Now Therefore Be It Resolved that the members of the Missouri Senate, One-hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, declare that Missouri tax dollars should not be spent in any state, like New York, that demonstrates such disregard and contempt for the unborn; and

Be It Further Resolved that the members of the Missouri General Assembly ask the Governor to order all departments to cease from taking part in any non-emergency activity or event in the State of New York; and

Be It Further Resolved that the Missouri General Assembly demands higher moral standards of its fellow states and will continue to boycott events hosted by these states until they repeal legislation that fails to preserve and protect the life of the unborn; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor and the State Treasurer.

### INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 369**—By Brown.

An Act to repeal sections 301.010 and 301.227, RSMo, and to enact in lieu thereof two new sections relating to salvage vehicles.

**SB 370**—By Brown.

An Act to amend chapter 208, RSMo, by adding thereto three new sections relating to MO HealthNet managed care.

### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

February 11, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Larry W. Borts, 305 North Mill Street, Jamestown, Moniteau County, Missouri 65046, as a member of the Missouri Propane Safety Commission, for a term ending June 30, 2021, and until his successor is duly appointed and qualified; vice, Arthur R. Higgins, resigned.

Respectfully submitted,

/s/ Michael L. Parson

Governor

Also,

February 11, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Derek Poe, 5019 North Farm Road 249, Strafford, Greene County, Missouri 65757, as a member of the Missouri Propane Safety Commission, for a term ending June 30, 2022, and until his successor is duly appointed and qualified; vice, Michael T. Jinks, term expired.

Respectfully submitted,

/s/ Michael L. Parson

Governor

President Pro Tem Schatz referred the above appointments to the Committee on Gubernatorial Appointments.

### SENATE BILLS FOR PERFECTION

At the request of Senator Rowden, **SB 49**, with SCS, was placed on the Informal Calendar.

At the request of Senator Emery, **SB 7** was placed on the Informal Calendar.

Senator Libla moved that **SB 89**, with **SCS**, be taken up for perfection, which motion prevailed.  
**SCS for SB 89**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 89

An Act to repeal sections 302.170, 302.720, and 302.768, RSMo, and to enact in lieu thereof three new sections relating to commercial driver's licenses, with existing penalty provisions.

Was taken up.

Senator Libla moved that **SCS for SB 89** be adopted.

Senator Hough offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 89, Page 10, Section 302.720, Line 141, by inserting after all of said line the following:

**“6. Notwithstanding the provisions of this section or any other law to the contrary, beginning December 1, 2019, the director of the department of revenue shall certify as a third-party tester any private education institution or other private entity.”.**

Senator Hough moved that the above amendment be adopted.

Senator Hough offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 89, Line 7, by inserting after the word “**entity**” the following:

**“, provided the institution or entity meets the necessary qualifications required by the state”.**

Senator Hough moved that the above amendment be adopted, which motion prevailed.

Senator Hough moved that **SA 1**, as amended, be adopted, which motion prevailed.

Senator Libla moved that **SCS for SB 89**, as amended, be adopted, which motion prevailed.

On motion of Senator Libla, **SCS for SB 89**, as amended, was declared perfected and order printed.

At the request of Senator Onder, **SB 39** was placed on the Informal Calendar.

At the request of Senator Sater, **SB 4** was placed on the Informal Calendar.

Senator Sater moved that **SB 6**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS for SB 6**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 6

An Act to repeal sections 195.015, 195.017, 565.021, 579.015, 579.065, and 579.068, RSMo, and to

enact in lieu thereof seven new sections relating to controlled substances, with penalty provisions.

Was taken up.

Senator Sater moved that **SCS** for **SB 6** be adopted.

Senator Holsman offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 6, Page 1, Section A, Line 4, by inserting immediately after said line the following:

“195.010. The following words and phrases as used in this chapter and chapter 579, unless the context otherwise requires, mean:

(1) “Acute pain”, pain, whether resulting from disease, accidental or intentional trauma, or other causes, that the practitioner reasonably expects to last only a short period of time. Acute pain shall not include chronic pain, pain being treated as part of cancer care, hospice or other end-of-life care, or medication-assisted treatment for substance use disorders;

(2) “Addict”, a person who habitually uses one or more controlled substances to such an extent as to create a tolerance for such drugs, and who does not have a medical need for such drugs, or who is so far addicted to the use of such drugs as to have lost the power of self-control with reference to his or her addiction;

(3) “Administer”, to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(a) A practitioner (or, in his or her presence, by his or her authorized agent); or

(b) The patient or research subject at the direction and in the presence of the practitioner;

(4) “Agent”, an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. The term does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman while acting in the usual and lawful course of the carrier’s or warehouseman’s business;

(5) “Attorney for the state”, any prosecuting attorney, circuit attorney, or attorney general authorized to investigate, commence and prosecute an action under this chapter;

(6) “Controlled substance”, a drug, substance, or immediate precursor in Schedules I through V listed in this chapter **and not including medical marijuana pursuant to article XIV of the Missouri Constitution**;

(7) “Controlled substance analogue”, a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(a) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(b) With respect to a particular individual, which that individual represents or intends to have a

stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II. The term does not include a controlled substance; any substance for which there is an approved new drug application; any substance for which an exemption is in effect for investigational use, for a particular person, under Section 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C. Section 355) to the extent conduct with respect to the substance is pursuant to the exemption; or any substance to the extent not intended for human consumption before such an exemption takes effect with respect to the substance;

(8) “Counterfeit substance”, a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance;

(9) “Deliver” or “delivery”, the actual, constructive, or attempted transfer from one person to another of drug paraphernalia or of a controlled substance, or an imitation controlled substance, whether or not there is an agency relationship, and includes a sale;

(10) “Dentist”, a person authorized by law to practice dentistry in this state;

(11) “Depressant or stimulant substance”:

(a) A drug containing any quantity of barbituric acid or any of the salts of barbituric acid or any derivative of barbituric acid which has been designated by the United States Secretary of Health and Human Services as habit forming under 21 U.S.C. Section 352(d);

(b) A drug containing any quantity of:

a. Amphetamine or any of its isomers;

b. Any salt of amphetamine or any salt of an isomer of amphetamine; or

c. Any substance the United States Attorney General, after investigation, has found to be, and by regulation designated as, habit forming because of its stimulant effect on the central nervous system;

(c) Lysergic acid diethylamide; or

(d) Any drug containing any quantity of a substance that the United States Attorney General, after investigation, has found to have, and by regulation designated as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect;

(12) “Dispense”, to deliver a narcotic or controlled dangerous drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for such delivery. “Dispenser” means a practitioner who dispenses;

(13) “Distribute”, to deliver other than by administering or dispensing a controlled substance;

(14) “Distributor”, a person who distributes;

(15) “Drug”:

(a) Substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic



Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals;

(c) Substances, other than food, intended to affect the structure or any function of the body of humans or animals; and

(d) Substances intended for use as a component of any article specified in this subdivision. It does not include devices or their components, parts or accessories;

(16) “Drug-dependent person”, a person who is using a controlled substance and who is in a state of psychic or physical dependence, or both, arising from the use of such substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects or to avoid the discomfort caused by its absence;

(17) “Drug enforcement agency”, the Drug Enforcement Administration in the United States Department of Justice, or its successor agency;

(18) “Drug paraphernalia”, all equipment, products, substances and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance or an imitation controlled substance in violation of this chapter or chapter 579. It includes, but is not limited to:

(a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances or imitation controlled substances;

(c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance or an imitation controlled substance;

(d) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances or imitation controlled substances;

(e) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances or imitation controlled substances;

(f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances or imitation controlled substances;

(g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances or imitation controlled substances;

(i) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances or imitation controlled substances;

(j) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or imitation controlled substances;

(k) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances or imitation controlled substances into the human body;

(l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

b. Water pipes;

c. Carburetion tubes and devices;

d. Smoking and carburetion masks;

e. Roach clips meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

f. Miniature cocaine spoons and cocaine vials;

g. Chamber pipes;

h. Carburetor pipes;

i. Electric pipes;

j. Air-driven pipes;

k. Chillums;

l. Bongs;

m. Ice pipes or chillers;

(m) Substances used, intended for use, or designed for use in the manufacture of a controlled substance.

In determining whether an object, product, substance or material is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

a. Statements by an owner or by anyone in control of the object concerning its use;

b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance or imitation controlled substance;

c. The proximity of the object, in time and space, to a direct violation of this chapter or chapter 579;

d. The proximity of the object to controlled substances or imitation controlled substances;

e. The existence of any residue of controlled substances or imitation controlled substances on the object;

f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to

deliver it to persons who he or she knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter or chapter 579; the innocence of an owner, or of anyone in control of the object, as to direct violation of this chapter or chapter 579 shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

g. Instructions, oral or written, provided with the object concerning its use;

h. Descriptive materials accompanying the object which explain or depict its use;

i. National or local advertising concerning its use;

j. The manner in which the object is displayed for sale;

k. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

l. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

m. The existence and scope of legitimate uses for the object in the community;

n. Expert testimony concerning its use;

o. The quantity, form or packaging of the product, substance or material in relation to the quantity, form or packaging associated with any legitimate use for the product, substance or material;

(19) "Federal narcotic laws", the laws of the United States relating to controlled substances;

(20) "Hospital", a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care, for not less than twenty-four hours in any week, of three or more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions; or a place devoted primarily to provide, for not less than twenty-four consecutive hours in any week, medical or nursing care for three or more nonrelated individuals. The term hospital does not include convalescent, nursing, shelter or boarding homes as defined in chapter 198;

(21) "Illegal industrial hemp":

(a) All nonseed parts and varieties of the *Cannabis sativa* L. plant, growing or not, that contain an average delta-9 tetrahydrocannabinol (THC) concentration exceeding three-tenths of one percent on a dry weight basis;

(b) Illegal industrial hemp shall be destroyed in the most effective manner possible, and such destruction shall be verified by the Missouri state highway patrol;

(22) "Immediate precursor", a substance which:

(a) The state department of health and senior services has found to be and by rule designates as being the principal compound commonly used or produced primarily for use in the manufacture of a controlled substance;

(b) Is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(c) The control of which is necessary to prevent, curtail or limit the manufacture of the controlled

substance;

(23) “Imitation controlled substance”, a substance that is not a controlled substance, which by dosage unit appearance (including color, shape, size and markings), or by representations made, would lead a reasonable person to believe that the substance is a controlled substance. In determining whether the substance is an imitation controlled substance the court or authority concerned should consider, in addition to all other logically relevant factors, the following:

(a) Whether the substance was approved by the federal Food and Drug Administration for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and Drug Administration-approved package, with the federal Food and Drug Administration-approved labeling information;

(b) Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, or its use or effect;

(c) Whether the substance is packaged in a manner normally used for illicit controlled substances;

(d) Prior convictions, if any, of an owner, or anyone in control of the object, under state or federal law related to controlled substances or fraud;

(e) The proximity of the substances to controlled substances;

(f) Whether the consideration tendered in exchange for the noncontrolled substance substantially exceeds the reasonable value of the substance considering the actual chemical composition of the substance and, where applicable, the price at which over-the-counter substances of like chemical composition sell. An imitation controlled substance does not include a placebo or registered investigational drug either of which was manufactured, distributed, possessed or delivered in the ordinary course of professional practice or research;

(24) “Industrial hemp”:

(a) All nonseed parts and varieties of the *Cannabis sativa* L. plant, growing or not, that contain an average delta-9 tetrahydrocannabinol (THC) concentration that does not exceed three-tenths of one percent on a dry weight basis or the maximum concentration allowed under federal law, whichever is greater;

(b) Any *Cannabis sativa* L. seed that is part of a growing crop, retained by a grower for future planting, or used for processing into or use as agricultural hemp seed;

(c) Industrial hemp includes industrial hemp commodities and products and topical or ingestible animal and consumer products derived from industrial hemp with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis;

(25) “Initial prescription”, a prescription issued to a patient who has never previously been issued a prescription for the drug or its pharmaceutical equivalent or who was previously issued a prescription for the drug or its pharmaceutical equivalent, but the date on which the current prescription is being issued is more than five months after the date the patient last used or was administered the drug or its equivalent;

(26) “Laboratory”, a laboratory approved by the department of health and senior services as proper to be entrusted with the custody of controlled substances but does not include a pharmacist who compounds controlled substances to be sold or dispensed on prescriptions;

(27) “Manufacture”, the production, preparation, propagation, compounding or processing of drug paraphernalia or of a controlled substance, or an imitation controlled substance, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include the preparation or compounding of a controlled substance or an imitation controlled substance or the preparation, compounding, packaging or labeling of a narcotic or dangerous drug:

(a) By a practitioner as an incident to his or her administering or dispensing of a controlled substance or an imitation controlled substance in the course of his or her professional practice; or

(b) By a practitioner or his or her authorized agent under his or her supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale;

(28) “Marijuana”, all parts of the plant genus *Cannabis* in any species or form thereof, including, but not limited to *Cannabis Sativa* L., except industrial hemp, *Cannabis Indica*, *Cannabis Americana*, *Cannabis Ruderalis*, and *Cannabis Gigantea*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination;

(29) “Methamphetamine precursor drug”, any drug containing ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers;

(30) “Narcotic drug”, any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical analysis:

(a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium;

(b) Coca leaves, but not including extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

(c) Cocaine or any salt, isomer, or salt of isomer thereof;

(d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;

(e) Any compound, mixture, or preparation containing any quantity of any substance referred to in paragraphs (a) to (d) of this subdivision;

(31) “Official written order”, an order written on a form provided for that purpose by the United States Commissioner of Narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the department of health and senior services;

(32) “Opiate” or “opioid”, any substance having an addiction-forming or addiction-sustaining liability

similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

(33) “Opium poppy”, the plant of the species *Papaver somniferum* L., except its seeds;

(34) “Over-the-counter sale”, a retail sale licensed pursuant to chapter 144 of a drug other than a controlled substance;

(35) “Person”, an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any other legal or commercial entity;

(36) “Pharmacist”, a licensed pharmacist as defined by the laws of this state, and where the context so requires, the owner of a store or other place of business where controlled substances are compounded or dispensed by a licensed pharmacist; but nothing in this chapter shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right or privilege that is not granted to him by the pharmacy laws of this state;

(37) “Poppy straw”, all parts, except the seeds, of the opium poppy, after mowing;

(38) “Possessed” or “possessing a controlled substance”, a person, with the knowledge of the presence and nature of a substance, has actual or constructive possession of the substance. A person has actual possession if he has the substance on his or her person or within easy reach and convenient control. A person who, although not in actual possession, has the power and the intention at a given time to exercise dominion or control over the substance either directly or through another person or persons is in constructive possession of it. Possession may also be sole or joint. If one person alone has possession of a substance possession is sole. If two or more persons share possession of a substance, possession is joint;

(39) “Practitioner”, a physician, dentist, optometrist, podiatrist, veterinarian, scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by this state to distribute, dispense, conduct research with respect to or administer or to use in teaching or chemical analysis, a controlled substance in the course of professional practice or research in this state, or a pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research;

(40) “Production”, includes the manufacture, planting, cultivation, growing, or harvesting of drug paraphernalia or of a controlled substance or an imitation controlled substance;

(41) “Registry number”, the number assigned to each person registered under the federal controlled substances laws;

(42) “Sale”, includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee;

(43) “State” when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America;

(44) “Synthetic cannabinoid”, includes unless specifically excepted or unless listed in another schedule, any natural or synthetic material, compound, mixture, or preparation that contains any quantity of a

substance that is a cannabinoid receptor agonist, including but not limited to any substance listed in paragraph (ll) of subdivision (4) of subsection 2 of section 195.017 and any analogues; homologues; isomers, whether optical, positional, or geometric; esters; ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, or salts is possible within the specific chemical designation, however, it shall not include any approved pharmaceutical authorized by the United States Food and Drug Administration;

(45) “Ultimate user”, a person who lawfully possesses a controlled substance or an imitation controlled substance for his or her own use or for the use of a member of his or her household or immediate family, regardless of whether they live in the same household, or for administering to an animal owned by him or by a member of his or her household. For purposes of this section, the phrase “immediate family” means a husband, wife, parent, child, sibling, stepparent, stepchild, stepbrother, stepsister, grandparent, or grandchild;

(46) “Wholesaler”, a person who supplies drug paraphernalia or controlled substances or imitation controlled substances that he himself has not produced or prepared, on official written orders, but not on prescriptions.”; and

Further amend said bill, page 7, section 195.017, line 158, by inserting immediately after the word “except” the following: **“medical marijuana pursuant to article XIV of the Missouri Constitution and”**; and further amend line 171, by inserting immediately after the word “except” the following: **“medical marijuana pursuant to article XIV of the Missouri Constitution and”**; and

Further amend said bill, page 31, section 195.805, line 15, by inserting immediately after said line the following:

“263.250. 1. The plant “marijuana”, botanically known as *cannabis sativa*, is hereby declared to be a noxious weed and all owners and occupiers of land shall destroy all such plants growing upon their land. Any person who knowingly allows such plants to grow on his land or refuses to destroy such plants after being notified to do so shall allow any sheriff or such other persons as designated by the county commission to enter upon any land in this state and destroy such plants.

2. Entry to such lands shall not be made, by any sheriff or other designated person to destroy such plants, until fifteen days’ notice by certified mail shall be given the owner or occupant to destroy such plants or a search warrant shall be issued on probable cause shown. In all such instances, the county commission shall bear the cost of destruction and notification.

**3. The provisions of this section shall not apply to marijuana plants grown lawfully pursuant to article XIV of the Missouri Constitution.”**; and

Further amend said bill, page 33, section 579.065, line 24, by inserting immediately after “marijuana” the following: **“, excluding medical marijuana pursuant to article XIV of the Missouri Constitution”**; and

Further amend said bill and section, page 34, line 58, by inserting immediately after “marijuana” the following: **“, excluding medical marijuana pursuant to article XIV of the Missouri Constitution”**; and

Further amend said bill, page 35, section 579.068, line 24, by inserting immediately after “marijuana” the following: **“, excluding medical marijuana pursuant to article XIV of the Missouri Constitution”**; and

Further amend said bill and section, page 36, line 58, by inserting immediately after “marijuana” the following: “, **excluding medical marijuana pursuant to article XIV of the Missouri Constitution**”; and further amend line 59, by inserting immediately after “plants” the following: “, **excluding medical marijuana pursuant to article XIV of the Missouri Constitution**”; and

Further amend the title and enacting clause accordingly.

Senator Holsman moved that the above amendment be adopted, which motion prevailed.

Senator Onder offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend Senate Committee Substitute for Senate Bill No. 6, Page 30, Section 195.805, Line 6, by striking the word “gummies,”; and further amend line 9, by inserting after all of said line the following:

**“2. Each increment of products containing equal to or greater than ten milligrams of tetrahydrocannabinols shall be stamped with a diamond containing the phrase “THC 10”.”**; and further renumber the remaining subsection accordingly.

Senator Onder moved that the above amendment be adopted.

Senator Onder offered **SSA 1** for **SA 2**:

**SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 2**

Amend Senate Committee Substitute for Senate Bill No. 6, Page 30, Section 195.805, Line 1, by striking the words “marijuana for medical use” and inserting in lieu thereof the following: “**edible marijuana-infused product**”; and further amend line 6 by striking the word “gummies,”; and further amend line 9, by inserting after all of said line the following:

**“2. Each increment of an edible marijuana-infused product containing ten or more milligrams of tetrahydrocannabinols (THC) shall be stamped with a diamond containing the letters “THC” and the number of milligrams of THC in that increment.”**; and further renumber the remaining subsection accordingly.

Senator Onder moved that the above amendment be adopted, which motion prevailed.

Senator Sifton offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Committee Substitute for Senate Bill No. 6, Page 31, Section 195.805, Line 15, by inserting immediately after said line the following:

“556.061. In this code, unless the context requires a different definition, the following terms shall mean:

(1) “Access”, to instruct, communicate with, store data in, retrieve or extract data from, or otherwise make any use of any resources of, a computer, computer system, or computer network;

(2) “Affirmative defense”:

(a) The defense referred to is not submitted to the trier of fact unless supported by evidence; and



(b) If the defense is submitted to the trier of fact the defendant has the burden of persuasion that the defense is more probably true than not;

(3) “Burden of injecting the issue”:

(a) The issue referred to is not submitted to the trier of fact unless supported by evidence; and

(b) If the issue is submitted to the trier of fact any reasonable doubt on the issue requires a finding for the defendant on that issue;

(4) “Commercial film and photographic print processor”, any person who develops exposed photographic film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term commercial film and photographic print processor shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency;

(5) “Computer”, the box that houses the central processing unit (CPU), along with any internal storage devices, such as internal hard drives, and internal communication devices, such as internal modems capable of sending or receiving electronic mail or fax cards, along with any other hardware stored or housed internally. Thus, computer refers to hardware, software and data contained in the main unit. Printers, external modems attached by cable to the main unit, monitors, and other external attachments will be referred to collectively as peripherals and discussed individually when appropriate. When the computer and all peripherals are referred to as a package, the term “computer system” is used. Information refers to all the information on a computer system including both software applications and data;

(6) “Computer equipment”, computers, terminals, data storage devices, and all other computer hardware associated with a computer system or network;

(7) “Computer hardware”, all equipment which can collect, analyze, create, display, convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or data. Hardware includes, but is not limited to, any data processing devices, such as central processing units, memory typewriters and self-contained laptop or notebook computers; internal and peripheral storage devices, transistor-like binary devices and other memory storage devices, such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard drive, optical disks and digital memory; local area networks, such as two or more computers connected together to a central computer server via cable or modem; peripheral input or output devices, such as keyboards, printers, scanners, plotters, video display monitors and optical readers; and related communication devices, such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices and electronic tone-generating devices; as well as any devices, mechanisms or parts that can be used to restrict access to computer hardware, such as physical keys and locks;

(8) “Computer network”, two or more interconnected computers or computer systems;

(9) “Computer program”, a set of instructions, statements, or related data that directs or is intended to direct a computer to perform certain functions;

(10) “Computer software”, digital information which can be interpreted by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical or other digital form. The term commonly includes programs to run operating systems and applications, such as word processing, graphic, or spreadsheet programs, utilities, compilers, interpreters and communications programs;

(11) “Computer-related documentation”, written, recorded, printed or electronically stored material which explains or illustrates how to configure or use computer hardware, software or other related items;

(12) “Computer system”, a set of related, connected or unconnected, computer equipment, data, or software;

(13) “Confinement”:

(a) A person is in confinement when such person is held in a place of confinement pursuant to arrest or order of a court, and remains in confinement until:

a. A court orders the person’s release; or

b. The person is released on bail, bond, or recognizance, personal or otherwise; or

c. A public servant having the legal power and duty to confine the person authorizes his release without guard and without condition that he return to confinement;

(b) A person is not in confinement if:

a. The person is on probation or parole, temporary or otherwise; or

b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement;

(14) “Consent”: consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

(a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or

(b) It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

(c) It is induced by force, duress or deception;

(15) “Controlled substance”, a drug, substance, or immediate precursor in schedules I through V as defined in chapter 195;

(16) “Criminal negligence”, failure to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation;

(17) “Custody”, a person is in custody when he or she has been arrested but has not been delivered to a place of confinement;

(18) “Damage”, when used in relation to a computer system or network, means any alteration, deletion, or destruction of any part of the computer system or network;

(19) “Dangerous felony”, the felonies of arson in the first degree, assault in the first degree, attempted rape in the first degree if physical injury results, attempted forcible rape if physical injury results, attempted

sodomy in the first degree if physical injury results, attempted forcible sodomy if physical injury results, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, assault in the second degree if the victim of such assault is a special victim as defined in subdivision (14) of section 565.002, kidnapping in the first degree, kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, child molestation in the first or second degree, abuse of a child if the child dies as a result of injuries sustained from conduct chargeable under section 568.060, child kidnapping, parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153, and an “intoxication-related traffic offense” or “intoxication-related boating offense” if the person is found to be a “habitual offender” or “habitual boating offender” as such terms are defined in section 577.001, **and delivery of a controlled substance when the substance is a mixture or substance containing a detectable amount of heroin;**

(20) “Dangerous instrument”, any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury;

(21) “Data”, a representation of information, facts, knowledge, concepts, or instructions prepared in a formalized or other manner and intended for use in a computer or computer network. Data may be in any form including, but not limited to, printouts, microfiche, magnetic storage media, punched cards and as may be stored in the memory of a computer;

(22) “Deadly weapon”, any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy club, blackjack or metal knuckles;

(23) “Digital camera”, a camera that records images in a format which enables the images to be downloaded into a computer;

(24) “Disability”, a mental, physical, or developmental impairment that substantially limits one or more major life activities or the ability to provide adequately for one’s care or protection, whether the impairment is congenital or acquired by accident, injury or disease, where such impairment is verified by medical findings;

(25) “Elderly person”, a person sixty years of age or older;

(26) “Felony”, an offense so designated or an offense for which persons found guilty thereof may be sentenced to death or imprisonment for a term of more than one year;

(27) “Forcible compulsion” either:

(a) Physical force that overcomes reasonable resistance; or

(b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;

(28) “Incapacitated”, a temporary or permanent physical or mental condition in which a person is unconscious, unable to appraise the nature of his or her conduct, or unable to communicate unwillingness to an act;

(29) “Infraction”, a violation defined by this code or by any other statute of this state if it is so designated or if no sentence other than a fine, or fine and forfeiture or other civil penalty, is authorized upon conviction;

(30) “Inhabitable structure”, a vehicle, vessel or structure:

(a) Where any person lives or carries on business or other calling; or

(b) Where people assemble for purposes of business, government, education, religion, entertainment, or public transportation; or

(c) Which is used for overnight accommodation of persons.

Any such vehicle, vessel, or structure is inhabitable regardless of whether a person is actually present. If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an inhabitable structure of another;

(31) “Knowingly”, when used with respect to:

(a) Conduct or attendant circumstances, means a person is aware of the nature of his or her conduct or that those circumstances exist; or

(b) A result of conduct, means a person is aware that his or her conduct is practically certain to cause that result;

(32) “Law enforcement officer”, any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States;

(33) “Misdemeanor”, an offense so designated or an offense for which persons found guilty thereof may be sentenced to imprisonment for a term of which the maximum is one year or less;

(34) “Of another”, property that any entity, including but not limited to any natural person, corporation, limited liability company, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein, except that property shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security arrangement;

(35) “Offense”, any felony or misdemeanor;

(36) “Physical injury”, slight impairment of any function of the body or temporary loss of use of any part of the body;

(37) “Place of confinement”, any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held;

(38) “Possess” or “possessed”, having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if such person has the object on his or her person or within easy reach and convenient control. A person has constructive possession if such person has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one person alone has possession of an object, possession is sole. If two or more persons share possession of an object, possession is joint;

(39) “Property”, anything of value, whether real or personal, tangible or intangible, in possession or in action;

(40) “Public servant”, any person employed in any way by a government of this state who is compensated by the government by reason of such person’s employment, any person appointed to a position with any government of this state, or any person elected to a position with any government of this state. It includes, but is not limited to, legislators, jurors, members of the judiciary and law enforcement officers. It does not include witnesses;

(41) “Purposely”, when used with respect to a person’s conduct or to a result thereof, means when it is his or her conscious object to engage in that conduct or to cause that result;

(42) “Recklessly”, consciously disregarding a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation;

(43) “Serious emotional injury”, an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;

(44) “Serious physical injury”, physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;

(45) “Services”, when used in relation to a computer system or network, means use of a computer, computer system, or computer network and includes, but is not limited to, computer time, data processing, and storage or retrieval functions;

(46) “Sexual orientation”, male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one’s gender;

(47) “Vehicle”, a self-propelled mechanical device designed to carry a person or persons, excluding vessels or aircraft;

(48) “Vessel”, any boat or craft propelled by a motor or by machinery, whether or not such motor or machinery is a principal source of propulsion used or capable of being used as a means of transportation on water, or any boat or craft more than twelve feet in length which is powered by sail alone or by a combination of sail and machinery, and used or capable of being used as a means of transportation on water, but not any boat or craft having, as the only means of propulsion, a paddle or oars;

(49) “Voluntary act”:

(a) A bodily movement performed while conscious as a result of effort or determination. Possession is a voluntary act if the possessor knowingly procures or receives the thing possessed, or having acquired control of it was aware of his or her control for a sufficient time to have enabled him or her to dispose of it or terminate his or her control; or

(b) An omission to perform an act of which the actor is physically capable. A person is not guilty of an offense based solely upon an omission to perform an act unless the law defining the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by law;

(50) “Vulnerable person”, any person in the custody, care, or control of the department of mental health who is receiving services from an operated, funded, licensed, or certified program.”; and

Further amend said bill, page 32, section 579.015, line 26, by inserting immediately after said line the following:

“579.020. 1. A person commits the offense of delivery of a controlled substance if, except as authorized in this chapter or chapter 195, he or she:

(1) Knowingly distributes or delivers a controlled substance;

(2) Attempts to distribute or deliver a controlled substance;

(3) Knowingly possesses a controlled substance with the intent to distribute or deliver any amount of a controlled substance; or

(4) Knowingly permits a minor to purchase or transport illegally obtained controlled substances.

2. Except when the controlled substance is thirty-five grams or less of marijuana or synthetic cannabinoid or as otherwise provided under subsection 5 of this section, the offense of delivery of a controlled substance is a class C felony.

3. Except as otherwise provided under subsection 4 of this section, the offense of delivery of thirty-five grams or less of marijuana or synthetic cannabinoid is a class E felony.

4. The offense of delivery of thirty-five grams or less of marijuana or synthetic cannabinoid to a person less than seventeen years of age who is at least two years younger than the defendant is a class C felony.

5. The offense of delivery of a controlled substance is a class B felony if:

(1) The delivery or distribution is any amount of a controlled substance except thirty-five grams or less of marijuana or synthetic cannabinoid, to a person less than seventeen years of age who is at least two years younger than the defendant; [or]

(2) The person knowingly permits a minor to purchase or transport illegally obtained controlled substances; **or**

**(3) The person knowingly distributes or delivers a mixture or substance containing a detectable amount of heroin.”; and**

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above amendment be adopted, which motion prevailed.

Senator Sater moved that **SCS for SB 6**, as amended, be adopted, which motion prevailed.

On motion of Senator Sater, **SCS for SB 6**, as amended, was declared perfected and order printed.

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 445**, entitled:

An Act to repeal sections 105.455, 105.458, 105.470, 105.473, 610.010, 610.021, and 610.025, RSMo,

and to enact in lieu thereof eight new sections relating to ethics, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 188**, entitled:

An Act to amend chapter 195, RSMo, by adding thereto six new sections relating to the narcotics control act, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 89**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### RESOLUTIONS

Senator White offered Senate Resolution No. 255, regarding the Seventieth Wedding Anniversary of Reverend J.C. "Buddy" and Nelma Noreen Walker, Carl Junction, which was adopted.

Senator Riddle offered Senate Resolution No. 256, regarding Warren Bloomer, Holts Summit, which was adopted.

Senator Riddle offered Senate Resolution No. 257, regarding Sharon Sundermeyer, Fulton, which was adopted.

### INTRODUCTIONS OF GUESTS

Senator Williams introduced to the Senate, Mayor John Gwaltney, Rhoda Gwaltney, Adele Crown and Roy Rice, Edmundson.

On behalf of Senator Brown and himself, Senator Holsman introduced to the Senate, Mark James, Kansas City.

On motion of Senator Rowden, the Senate adjourned under the rules.

### SENATE CALENDAR

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NINETEENTH DAY—TUESDAY, FEBRUARY 12, 2019

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### FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 295-Hough	SB 331-Brown
SB 296-Cierpiot	SB 332-Brown
SB 297-White	SB 333-Rizzo
SB 298-White	SB 334-Onder
SB 299-Rizzo, et al	SB 335-Onder
SB 300-Eigel	SB 336-Schupp
SB 301-Eigel	SB 337-Wieland
SB 302-Wallingford	SB 338-Wieland
SB 303-Riddle	SB 339-Wieland
SB 304-Riddle	SB 340-Wieland
SB 305-Riddle	SB 341-Wieland
SB 306-White	SB 342-Curls
SB 307-Cierpiot	SB 343-Eigel
SB 308-Onder	SB 344-Eigel
SB 309-Sater	SB 345-Koenig, et al
SB 310-Arthur	SB 346-Schupp
SB 311-Nasheed	SB 347-Burlison
SB 312-Eigel	SB 348-O'Laughlin
SB 313-Onder	SB 349-O'Laughlin
SB 314-Burlison	SB 350-O'Laughlin
SB 315-Burlison	SB 351-Williams
SB 316-Burlison	SB 352-Williams
SB 317-Burlison	SB 353-Emery
SB 318-Burlison	SB 354-Cierpiot
SB 319-Wieland	SB 355-Cierpiot
SB 320-Hough	SB 356-Bernskoetter
SB 321-Hegeman	SB 357-Sater
SB 322-Bernskoetter	SB 358-Sater
SB 323-Hough	SB 359-Eigel
SB 324-Arthur	SB 360-Crawford
SB 325-Crawford	SB 361-Riddle
SB 326-Sater	SB 362-Riddle
SB 327-Luetkemeyer	SB 363-Riddle
SB 328-Burlison	SB 364-Williams
SB 329-Burlison	SB 365-Hoskins
SB 330-Brown	SB 366-Hoskins



SB 367-Burlison  
SB 368-Hough  
SB 369-Brown  
SB 370-Brown  
SJR 16-Sifton

SJR 17-Nasheed  
SJR 18-Cunningham  
SJR 19-Nasheed  
SJR 20-Koenig

#### HOUSE BILLS ON SECOND READING

HCS for HB 397  
HCS for HB 67

HB 445-Dogan  
HB 188-Rehder

#### THIRD READING OF SENATE BILLS

SB 20-Libla (In Fiscal Oversight)

SCS for SB 89-Libla and Brown

#### SENATE BILLS FOR PERFECTION

SB 160-Koenig, with SCS  
SB 44-Hoskins, with SCS  
SB 38-Onder

SB 28-Hegeman, with SCS  
SB 56-Cierpiot, with SCS  
SB 21-Libla

#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

SB 4-Sater  
SB 7-Emery

SB 39-Onder  
SB 49-Rowden, with SCS

#### CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 131-Emery, with SCS

SB 103-Schupp

SB 54-Crawford

RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 4-Curls, et al  
SCR 5-Wallingford

SCR 6-Schupp  
SCR 10-Rowden

To be Referred

SCR 16-Wieland

SR 254-Cunningham

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# Journal of the Senate

FIRST REGULAR SESSION

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NINETEENTH DAY—TUESDAY, FEBRUARY 12, 2019

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“Show me Lord, your way, so I may walk in your truth...” (Psalm 86:6a)

Heavenly Father, You seek us to be a holy people so that You may use us to help us improve our lives and make better the lives of people we serve. And we know that this is a very public arena and even though there are things that are done quietly they are often made known. So let us always be about that which is brought about by Your providence as we work together to do Your will. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Senator Emery assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Rowden announced photographers from KRCG-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	O’Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

Absent—Senators—None

Absent with leave—Senators

May Nasheed—2

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Riddle offered Senate Resolution No. 258, regarding Ron and Kathy Daniels, Hawk Point, which was adopted.

Senator Cunningham offered Senate Resolution No. 259, regarding Radona Henry, West Plains, which was adopted.

Senator Cunningham offered Senate Resolution No. 260, regarding Stephanie Wood, West Plains, which was adopted.

Senator Walsh offered Senate Resolution No. 261, regarding Abraham “Abe” Horowitz, Florissant, which was adopted.

Senator Walsh offered Senate Resolution No. 262, regarding Robert Paul “Bob” King, Florissant, which was adopted.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 371**—By Eigel.

An Act to repeal sections 301.010 and 301.067, RSMo, and to enact in lieu thereof two new sections relating to trailer license plate renewals.

**SB 372**—By Hoskins.

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to professional licensee’s services in regard to medical marijuana.

**SB 373**—By Schupp.

An Act to repeal section 161.700, RSMo, and to enact in lieu thereof one new section relating to holocaust education and awareness.

**SB 374**—By Burlison.

An Act to repeal section 407.020, RSMo, and to enact in lieu thereof one new section relating to unlawful merchandising practices, with existing penalty provisions.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Hough.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 375**—By Riddle.

An Act to repeal section 344.030, RSMo, and to enact in lieu thereof one new section relating to nursing home administrator licenses.

**SB 376**—By Riddle.

An Act to amend chapter 324, RSMo, by adding thereto eleven new sections relating to statewide mechanical contractor licenses, with penalty provisions.

**SB 377**—By Riddle.

An Act to amend chapter 393, RSMo, by adding thereto four new sections relating to water and wastewater infrastructure.

Senator Rowden requested unanimous consent of the Senate to allow Police Chief Tim Lowery to enter the Chamber with side arms, which request was granted.

**SENATE BILLS FOR PERFECTION**

At the request of Senator Koenig, **SB 160**, with **SCS**, was placed on the Informal Calendar.

Senator Hoskins moved that **SB 44**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 44**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 44**

An Act to repeal section 313.800, RSMo, and to enact in lieu thereof eight new sections relating to sports wagering, with penalty provisions.

Was taken up.

Senator Hoskins moved that **SCS** for **SB 44** be adopted.

Senator Hoskins offered **SS** for **SCS** for **SB 44**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 44**

An Act to repeal section 313.800, RSMo, and to enact in lieu thereof fifteen new sections relating to wagering on certain games, with penalty provisions.

Senator Hoskins moved that **SS** for **SCS** for **SB 44** be adopted.

At the request of Senator Hoskins, **SB 44**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Onder moved **SB 38** be taken up for perfection, which motion prevailed.

Senator Onder offered **SS** for **SB 38**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE BILL NO. 38**

An Act to amend chapter 285, RSMo, by adding thereto one new section relating to the employer-employee relationship.

Senator Onder moved that **SS** for **SB 38** be adopted, which motion prevailed.

On motion of Senator Onder, **SS** for **SB 38** was declared perfected and ordered printed.

President Kehoe assumed the Chair.

### INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 378**—By Hough.

An Act to repeal section 302.720, RSMo, and to enact in lieu thereof one new section relating to commercial driver's license testing.

### REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 6**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### REFERRALS

President Pro Tem Schatz referred **SCS** for **SB 89** and **SCS** for **SB 6** to the Committee on Fiscal Oversight.

President Pro Tem Schatz referred **SCR 16** and **SR 254** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### RESOLUTIONS

Senator Riddle offered Senate Resolution No. 263, regarding Tim Inman, Center, which was adopted.

Senator Crawford offered Senate Resolution No. 264, regarding Eagle Scout David Nathaniel Bessert, Warsaw, which was adopted.

### COMMUNICATIONS

Senator Curls submitted the following:

February 11, 2019

Mrs. Adriane Crouse

Secretary of the Senate

Missouri Senate

201 W Capitol Avenue, Room 325

Jefferson City, MO 65101

Re: Missouri's Women's Council

Dear Secretary Crouse:

I respectfully request to be removed from the Missouri Women's Council.

Your consideration of my request is greatly appreciated.

Respectfully submitted,



S. Kiki Curls

Ninth Senatorial District

Also,

February 11, 2019

Mrs. Adriane Crouse  
Secretary of the Senate  
Missouri Senate  
201 W Capitol Avenue, Room 325  
Jefferson City, MO 65101

Re: Joint Committee on Public Employees Retirement

Dear Secretary Crouse:

I respectfully request to be removed from the Joint Committee on Public Employee Retirement.

Your consideration of my request is greatly appreciated.

Respectfully submitted,



S. Kiki Curls

Ninth Senatorial District

Also,

February 11, 2019

Mrs. Adriane Crouse  
Secretary of the Senate  
Missouri Senate  
201 W Capitol Avenue, Room 325  
Jefferson City, MO 65101


Re: Joint Committee on Tax Policy

Dear Secretary Crouse:

I respectfully request to be removed from the Joint Committee on Tax Policy.

Your consideration of my request is greatly appreciated.

Respectfully submitted,



S. Kiki Curls

Ninth Senatorial District

Senator Walsh submitted the following:

February 12, 2019

Adriane Crouse – Secretary of the Senate  
State Capitol, Room 325  
Jefferson City, Missouri 65101

Dear Adriane:

The recent resignation of Senator Curls from the Missouri Women's Council has created a vacancy on that committee. I hereby appoint Senator Karla May to the Women's Council to fill that vacancy.

Sincerely,



Gina Walsh

### INTRODUCTIONS OF GUESTS

Senator O’Laughlin introduced to the Senate, Brody Baker, Atlanta; and Brody was made an honorary page.

Senator Crawford introduced to the Senate, President Keith Stevens, Missouri Limestone Producers Association, Bolivar.

Senator Holsman introduced to the Senate, Mayor Leonard Jones, Jim Crain, Damon Randolph, John Maloney and Cemal Gungor, Grandview.

Senator Libla introduced to the Senate, President Dr. Wesley Payne, Dr. Maribeth Payne, Dr. Mairead Ryan-Anderson, Chris Adams, Jack Armor, Vance Vela, Leighton Moore, Rebekah Hill, Shelby Hammond, Destiny Cagle and Leah Gimbel, representatives of Three Rivers College.

Senator O’Laughlin introduced to the Senate, Mayor Talt Holman, and Avis Marshall, Richard Schlanker and Tony Petre, Macon.

Senator Luetkemeyer introduced to the Senate, Deanna Lamb, Terry Petersen and Rodney Hummer, Northwest Health Services, Buchanan County.

Senator Cunningham introduced to the Senate, Director J. T. Hale, Angela McCulley, Kylee Mullins and Lily Hendershot, Ozark Mountain Tech Center, Mountain Grove.

Senator Williams introduced to the Senate, Richard Schuessler, St. Louis.

Senator Walsh introduced to the Senate, Police Chief Tim Lowery; Councilman Jeff Caputa and Councilwoman Jackie Pagano, Florissant.

Senator Hoskins introduced to the Senate, his son, Cole, and Emma Smith, Aspen Thomas, Conner Wyatt, Mason Sutherland, Hayden Gates, Autumn Hurr, Jacelynn Laws, Breanna Derritt, Reagan Webb, Alea Keys, Allison Dilley, Allison Adlich, Shelby Murphy, William Adcock, Tori Runyan, Jaden Blew, Kim Hall, Olivia De Laurier, Jessica Lund, Rebekah Papasifakis, Eddie Chitwood, Annie Runyan, Kelcey Phelps and Hayden Vernon, representatives of CLIMB, Warrensburg High School.

Senator Schupp introduced to the Senate, Mayor Mike Moeller, and Councilmembers Kim Baker, Chuck Caverly and Steve Borgmann, and City Administrator Jim Krischke, Maryland Heights.

Senator Emery introduced to the Senate, Mayor Brian Hasek, Aldermen David Dickerson and Matt Turner, City Administrator Happy Welch, and Marcella McCoy, Harrisonville.

Senator Burlison introduced to the Senate, the Physician of the Day, Dr. Brian Stinson, Springfield.

On motion of Senator Rowden, the Senate adjourned under the rules.



SENATE CALENDAR

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TWENTIETH DAY—WEDNESDAY, FEBRUARY 13, 2019

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 293-Hough	SB 322-Bernskoetter
SB 294-Hough	SB 323-Hough
SB 295-Hough	SB 324-Arthur
SB 296-Cierpiot	SB 325-Crawford
SB 297-White	SB 326-Sater
SB 298-White	SB 327-Luetkemeyer
SB 299-Rizzo, et al	SB 328-Burlison
SB 300-Eigel	SB 329-Burlison
SB 301-Eigel	SB 330-Brown
SB 302-Wallingford	SB 331-Brown
SB 303-Riddle	SB 332-Brown
SB 304-Riddle	SB 333-Rizzo
SB 305-Riddle	SB 334-Onder
SB 306-White	SB 335-Onder
SB 307-Cierpiot	SB 336-Schupp
SB 308-Onder	SB 337-Wieland
SB 309-Sater	SB 338-Wieland
SB 310-Arthur	SB 339-Wieland
SB 311-Nasheed	SB 340-Wieland
SB 312-Eigel	SB 341-Wieland
SB 313-Onder	SB 342-Curls
SB 314-Burlison	SB 343-Eigel
SB 315-Burlison	SB 344-Eigel
SB 316-Burlison	SB 345-Koenig, et al
SB 317-Burlison	SB 346-Schupp
SB 318-Burlison	SB 347-Burlison
SB 319-Wieland	SB 348-O'Laughlin
SB 320-Hough	SB 349-O'Laughlin
SB 321-Hegeman	SB 350-O'Laughlin

SB 351-Williams	SB 368-Hough
SB 352-Williams	SB 369-Brown
SB 353-Emery	SB 370-Brown
SB 354-Cierpiot	SB 371-Eigel
SB 355-Cierpiot	SB 372-Hoskins
SB 356-Bernskoetter	SB 373-Schupp
SB 357-Sater	SB 374-Burlison
SB 358-Sater	SB 375-Riddle
SB 359-Eigel	SB 376-Riddle
SB 360-Crawford	SB 377-Riddle
SB 361-Riddle	SB 378-Hough
SB 362-Riddle	SJR 16-Sifton
SB 363-Riddle	SJR 17-Nasheed
SB 364-Williams	SJR 18-Cunningham
SB 365-Hoskins	SJR 19-Nasheed
SB 366-Hoskins	SJR 20-Koenig
SB 367-Burlison	

## HOUSE BILLS ON SECOND READING

HCS for HB 397	HB 445-Dogan
HCS for HB 67	HB 188-Rehder

## THIRD READING OF SENATE BILLS

SB 20-Libla (In Fiscal Oversight)	SCS for SB 6-Sater (In Fiscal Oversight)
SCS for SB 89-Libla and Brown (In Fiscal Oversight)	

## SENATE BILLS FOR PERFECTION

SB 28-Hegeman, with SCS	SB 21-Libla
SB 56-Cierpiot, with SCS	

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 4-Sater	SB 7-Emery
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SB 39-Onder  
SB 44-Hoskins, with SCS & SS for SCS  
(pending)

SB 49-Rowden, with SCS  
SB 160-Koenig, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 131-Emery, with SCS  
SB 103-Schupp

SB 54-Crawford

RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 4-Curls, et al  
SCR 5-Wallingford

SCR 6-Schupp  
SCR 10-Rowden

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# Journal of the Senate

## FIRST REGULAR SESSION

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**TWENTIETH DAY—WEDNESDAY, FEBRUARY 13, 2019**

---

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let the wise also hear and gain in learning and the discerning acquire skill.” (Proverbs 1:5)

Gracious God, we acknowledge Your guidance and teaching so we might be about all we must do for this land of Missouri and the people who dwell here. Increase our resolve to use what we have heard and learned from You for the good of others, while doing so brings You glory and praise. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Rowden announced photographers from KRCG-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

**Present—Senators**

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Nasheed—1

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Luetkemeyer offered Senate Resolution No. 265, regarding Tama Wagner, St. Joseph, which

was adopted.

Senator Luetkemeyer offered Senate Resolution No. 266, regarding Pro Athlete Inc., Kansas City, which was adopted.

Senator Schupp offered Senate Resolution No. 267, regarding St. Louis County Library, which was adopted.

Senator Schupp offered Senate Resolution No. 268, regarding St. Elmo Lee, St. Louis, which was adopted.

Senator Schupp offered Senate Resolution No. 269, regarding Robert “Bob” Roman, St. Louis, which was adopted.

### INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 379**—By Romine.

An Act to repeal section 386.135, RSMo, and to enact in lieu thereof one new section relating to the public service commission.

**SB 380**—By Hough.

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to procurement policies enacted by political subdivisions.

**SB 381**—By Onder.

An Act to repeal sections 301.020, 301.032, 301.074, 301.132, 301.147, 301.190, 301.191, 301.380, 301.443, 301.800, 307.350, 307.353, 307.355, 307.360, 307.365, 307.370, 307.375, 307.380, 307.385, 307.390, 307.402, 643.303, and 643.315, RSMo, and to enact in lieu thereof eighteen new sections relating to vehicle safety inspections, with penalty provisions and an effective date.

**SB 382**—By Emery.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to obscene websites, with penalty provisions.

**SB 383**—By Emery.

An Act to repeal section 88.770, RSMo, and to enact in lieu thereof one new section relating to the sale of utilities in fourth class cities.

**SB 384**—By Schupp.

An Act to repeal sections 115.133, 115.135, 115.275, 115.277, and 115.279, RSMo, and to enact in lieu thereof five new sections relating to the deadline to register to vote.

### REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 38**, begs leave to report that it has examined the same and finds that the bill has been truly

perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Wallingford.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 385**—By Bernskoetter.

An Act to authorize the conveyance of certain state property.

**SB 386**—By O’Laughlin.

An Act to repeal sections 210.221 and 566.147, RSMo, and to enact in lieu thereof two new sections relating to child care facilities, with existing penalty provisions.

**SB 387**—By Hough.

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to transient guest taxes.

### **MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor, reading of which was waived:

GOVERNOR  
STATE OF MISSOURI  
February 13, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Casey Osterkamp, 323 Fox Creek Road, Jefferson City, Cole County, Missouri 65109, as Director of the Division of Personnel for the Office of Administration, for a term ending June 30, 2021, and until her successor is duly appointed and qualified; vice, Nancy Johnston, resigned.

Respectfully submitted,

Michael L. Parson

Governor

President Pro Tem Schatz referred the above appointment to the Committee on Gubernatorial Appointments.

### **SENATE BILLS FOR PERFECTION**

Senator Hegeman moved that **SB 28**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 28**, entitled:

### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 28**

An Act to repeal sections 135.350 and 135.352, RSMo, and to enact in lieu thereof two new sections relating to low-income housing tax credits.

Was taken up.

Senator Hegeman moved that **SCS** for **SB 28** be adopted.

Senator Hegeman offered **SS** for **SCS** for **SB 28**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 28

An Act to repeal sections 135.350 and 135.352, RSMo, and to enact in lieu thereof two new sections relating to low-income housing tax credits.

Senator Hegeman moved that **SS** for **SCS** for **SB 28** be adopted.

Senator Koenig offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 28, Page 2, Section 135.350, Lines 2-8, by striking all of said lines; and

Further amend said bill and section, page 3, lines 17-23, by striking all of said lines; and further renumber the remaining subdivisions accordingly; and

Further amend said bill, section 135.352, page 3, line 26, by striking the words “3 to 5” and inserting in lieu thereof the following: “**3 and 4**”; and

Further amend said bill and section, page 4, lines 15-21, by striking all of said lines; and further renumber the remaining subsections accordingly.

Senator Koenig moved that the above amendment be adopted, which motion failed.

President Kehoe assumed the Chair.

Senator Koenig offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 28, Page 3, Section 135.350, Line 1, by striking the word “seventy” and inserting in lieu thereof the following: “**sixty-five**”.

Senator Koenig moved that the above amendment be adopted, which motion failed.

Senator Hegeman offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 28, Page 4, Section 135.352, Line 18, by striking the word “five” and inserting in lieu thereof the following: “**two and one-half**”.

Senator Hegeman moved that the above amendment be adopted.

At the request of Senator Hegeman, **SA 3** was withdrawn.

Senator Hegeman offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 28, Page 2, Section 135.350, Lines 2-8, by striking all of said lines; and

Further amend said bill and section, page 3, line 1, by striking the word “seventy” and inserting in lieu thereof the following: “**seventy-two and one-half**”; and further amend lines 17-23, by striking all of said lines; and further renumber the remaining subdivisions accordingly; and

Further amend said bill, section 135.352, page 3, line 26, by striking the words “3 to 5” and inserting in lieu thereof the following: “**3 and 4**”; and

Further amend said bill and section, page 4, lines 15-21, by striking all of said lines; and further renumber the remaining subsections accordingly.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator Hegeman moved that **SS** for **SCS** for **SB 28**, as amended, be adopted, which motion prevailed.

On motion of Senator Hegeman, **SS** for **SCS** for **SB 28**, as amended, was declared perfected and ordered printed.

**RESOLUTIONS**

Senator Bernskoetter offered Senate Resolution No. 270, regarding Ronald H. Talken, Jefferson City, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 271, regarding Dr. James J. Weiss, Jefferson City, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 272, regarding Firefighter Matt Long, St. Thomas, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 273, regarding Captain Jason Hammann, Jefferson City, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 274, regarding Lieutenant Justin Braun, Jefferson City, which was adopted.

Senator Walsh offered Senate Resolution No. 275, regarding Karla O. Eaton, St. Louis, which was adopted.

Senator Crawford offered Senate Resolution No. 276, regarding Shae Smith, Bolivar, which was adopted.

**INTRODUCTIONS OF GUESTS**

Senator Crawford introduced to the Senate, Glen Raef, Lebanon; and the Director, instructors and students from Lebanon Technical and Career Center.

Senator Brown introduced to the Senate, his son, Brody; and teacher Cord Jenkins and students April King, Emily Lucas, Delaney Boeker, Kate Mallery, Taylor Pence, Kalahn Shelby, Stephanie Broyles and Janell Duncan, representatives of FFA, HOSA, DECA, TSA and Skills USA, Rolla.



Senator Brown introduced to the Senate, his cousin, Matt Hudson, Springfield; and Tiffany Brunner, Kelly Akers and Constance Leonard, Ozark Technical College.

Senator Brown introduced to the Senate, advisors Traci Pattison, John Smith, Randy Roam, Jon Rhoads and Jordan Walters; and Makkah Mujahid, Molly Handley, Ben Pollman, Andrew Esguerro, Parker Breeden, Savannah Crockett, Sojeong Lee, Katie Noll, Gracie O'Donnell and Zole Francisco, Waynesville Career Center.

Senator Brown introduced to the Senate, teacher Charity Satterfield, and Brockton West, Allana Chitwood, Annie Terrill, William Beaner, Trey Riley, Cody Garver, Alexis Courtois, Samie Chitwood and Riley Williams, representatives of FFA, St. James.

Senator Brown introduced to the Senate, Advisor Matt Schroer, and Tristan Sterling, Megan Becker, Rylee George, Isaac George, Javin Cobb and Austin Crow, representatives of Crocker FFA.

Senator Luetkemeyer introduced to the Senate, Brian Noller, Jeff Green, Teresa Sherley, Lauren Powell, Abdullah Saleem, Conner Bolch, Aaron Schank, Paeton Woods and Maegen Hicks, Northland Career Center; and Jill Huntsman, Anna Hunstman, Evan Ray, Gideon Wood, Sean Edwards and Daniel Karhe, Hilliard Technical Center.

Senator Bernskoetter introduced to the Senate, teachers Cody Bashore and Stacy Bushman; and Brenden Hamner, Connor Heet, Colden Imhoff and Breanne Bartlett, Nichols Career Center, Jefferson City.

Senator Hoskins introduced to the Senate, students from Warrensburg High School and Career And Technical Center.

Senator Riddle introduced to the Senate, Kalyn Davis, Matthew Moon, Heath Brandt and R. J. Saleny, representatives of New Bloomfield FFA.

Senator Schupp introduced to the Senate, Principal Jacob Lohse, South Technical High School, Sunset Hills.

Senator Wallingford introduced to the Senate, coordinator Holly Lintner, and CIEE Exchange Students Asli Tazegul, Turkey; Yana Honcharuk, Ukraine; Andrii Koval, Ukraine; Muzamil Umar, Pakistan; Olha Yuriyivna Voroshnina, Ukraine; Norashikin "Ekin" Binti Shahrin, Malaysia; Mami Uehara, Japan; Boonyalak "Saly" Mongkolsouvanit, Thailand; Thilde Dam Lentz, Denmark; Thaworn Umpansap, Thailand; Johnathon Johnny, Sierra Leone; Milana Schherbakova, Kyrgyzstan; Esther Gerloff, Germany; Anastasiya "Stacy" Zhornova, Ukraine; and Michal Brabec, Czech Republic.

Senator Cunningham introduced to the Senate, Advisor Chelsay Gilmore, and Eli Amyx, FBLA, Gainesville.

Senator Williams introduced to the Senate, Jen Bersdale, St. Louis; and Jennifer Moorehouse, Webster Groves.

Senator Schatz introduced to the Senate, the Physician of the Day, Dr. Jennifer Allen, M.D., Washington.

Senator Libla introduced to the Senate, Dr. Jamie Jones, and his wife, Deborah, Caruthersville; and Herman Styles, Poplar Bluff.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

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TWENTY-FIRST DAY—THURSDAY, FEBRUARY 14, 2019

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 293-Hough	SB 321-Hegeman
SB 294-Hough	SB 322-Bernskoetter
SB 295-Hough	SB 323-Hough
SB 296-Cierpiot	SB 324-Arthur
SB 297-White	SB 325-Crawford
SB 298-White	SB 326-Sater
SB 299-Rizzo, et al	SB 327-Luetkemeyer
SB 300-Eigel	SB 328-Burlison
SB 301-Eigel	SB 329-Burlison
SB 302-Wallingford	SB 330-Brown
SB 303-Riddle	SB 331-Brown
SB 304-Riddle	SB 332-Brown
SB 305-Riddle	SB 333-Rizzo
SB 306-White	SB 334-Onder
SB 307-Cierpiot	SB 335-Onder
SB 308-Onder	SB 336-Schupp
SB 309-Sater	SB 337-Wieland
SB 310-Arthur	SB 338-Wieland
SB 311-Nasheed	SB 339-Wieland
SB 312-Eigel	SB 340-Wieland
SB 313-Onder	SB 341-Wieland
SB 314-Burlison	SB 342-Curls
SB 315-Burlison	SB 343-Eigel
SB 316-Burlison	SB 344-Eigel
SB 317-Burlison	SB 345-Koenig, et al
SB 318-Burlison	SB 346-Schupp
SB 319-Wieland	SB 347-Burlison
SB 320-Hough	SB 348-O'Laughlin

SB 349-O'Laughlin	SB 371-Eigel
SB 350-O'Laughlin	SB 372-Hoskins
SB 351-Williams	SB 373-Schupp
SB 352-Williams	SB 374-Burlison
SB 353-Emery	SB 375-Riddle
SB 354-Cierpiot	SB 376-Riddle
SB 355-Cierpiot	SB 377-Riddle
SB 356-Bernskoetter	SB 378-Hough
SB 357-Sater	SB 379-Romine
SB 358-Sater	SB 380-Hough
SB 359-Eigel	SB 381-Onder
SB 360-Crawford	SB 382-Emery
SB 361-Riddle	SB 383-Emery
SB 362-Riddle	SB 384-Schupp
SB 363-Riddle	SB 385-Bernskoetter
SB 364-Williams	SB 386-O'Laughlin
SB 365-Hoskins	SB 387-Hough
SB 366-Hoskins	SJR 16-Sifton
SB 367-Burlison	SJR 17-Nasheed
SB 368-Hough	SJR 18-Cunningham
SB 369-Brown	SJR 19-Nasheed
SB 370-Brown	SJR 20-Koenig

## HOUSE BILLS ON SECOND READING

HCS for HB 397	HB 445-Dogan
HCS for HB 67	HB 188-Rehder

## THIRD READING OF SENATE BILLS

SB 20-Libla (In Fiscal Oversight)	SCS for SB 6-Sater (In Fiscal Oversight)
SCS for SB 89-Libla and Brown (In Fiscal Oversight)	SS for SB 38-Onder

SENATE BILLS FOR PERFECTION

SB 56-Cierpiot, with SCS

SB 21-Libla

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 4-Sater

SB 49-Rowden, with SCS

SB 7-Emery

SB 160-Koenig, with SCS

SB 39-Onder

SB 44-Hoskins, with SCS & SS for SCS  
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 131-Emery, with SCS  
SB 103-Schupp

SB 54-Crawford

RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 4-Curls, et al  
SCR 5-Wallingford

SCR 6-Schupp  
SCR 10-Rowden

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# Journal of the Senate

## FIRST REGULAR SESSION

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**TWENTY-FIRST DAY—THURSDAY, FEBRUARY 14, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“Enjoy life with your wife whom you love...” (Ecclesiastes 9:9a)

Loving God, on this celebrated day of love let us truly remember the one You have given to us to love and to tell them that we truly do love them. Help us also to be more loving to those You have placed in our lives and show our appreciation for all they do for us and with us. Every day help us to learn more of Your love, so we may truly seek to do so for others as you have done for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Rowden announced photographers from KOMU-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

Absent—Senators—None

Absent with leave—Senators

Holsman                Nasheed—2

Vacancies—None

The Lieutenant Governor was present.

## CONCURRENT RESOLUTIONS

Senator Wieland offered the following concurrent resolution:

### SENATE CONCURRENT RESOLUTION NO. 17

Whereas, hazard mitigation is the effort to reduce loss of life and property by lessening the impact of disasters. It is most effective when implemented under a comprehensive, long-term mitigation plan; and

Whereas, the Pre-Disaster Mitigation Grant Program, administered by the Federal Emergency Management Agency, is designed to assist states and local communities in implementing sustained pre-disaster natural hazard mitigation programs; and

Whereas, federal legislation recently enacted, the Disaster Recovery Reform Act, makes available new dollars for states and communities to undertake pre-disaster mitigation measures and creates new incentives for states to build resiliently; and

Whereas, since 1908 natural disasters have cost the country more than one trillion dollars; and

Whereas, disasters affect the local and state economies in lost payrolls, lost sales and income tax, and increased disaster recovery times; and

Whereas, according to a FEMA commissioned study conducted by the National Institute of Building Sciences, every 1 spent on hazard mitigation provides the nation with 6 in future benefits; and

Whereas, twenty-five percent of small businesses that are impacted by a natural disaster never reopen their doors; and

Whereas, September is National Preparedness Month in recognition of the need for all Americans to prepare and plan for recovery after a disaster; and

Whereas, mitigation planning is a key process used to break the cycle of disaster damage, reconstruction, and repeated damage; and

Whereas, effective pre-disaster mitigation reduces the demand for relief services on volunteer organizations such as disaster rescue and recovery teams, along with food banks and homeless shelters, who serve our communities by changing their operations to provide additional services to those affected by disaster; and

Whereas, this body honors the brave men and women who, as first responders, selflessly provide aid in a disaster to safeguard Missouri citizens; and

Whereas, this body encourages Missouri communities to build resiliently and develop long-range mitigation strategies for protecting people and property from future hazard events:

Now Therefore Be It Resolved that the members of the Missouri Senate, One-hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby declare the week of September 1-7, 2019, as “Resiliency Week” to raise public awareness about the continuing need to plan for future disasters by instituting a pre-disaster mitigation strategy.

## INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

**SB 388**—By Burlison, Onder, Romine, Hoskins, Wallingford, Brown, Eigel, Emery and Koenig.

An Act to repeal section 188.035, RSMo, and to enact in lieu thereof one new section relating to abortion, with penalty provisions.

**SB 389**—By Burlison.

An Act to repeal section 537.600, RSMo, and to enact in lieu thereof one new section relating to employees of multistate compact agencies.

**SB 390**—By Wallingford.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to hospital workplace violence prevention plans.

**SB 391**—By Bernskoetter.

An Act to repeal section 192.300, RSMo, and to enact in lieu thereof one new section relating to county health ordinances, with an existing penalty provision.

**SB 392**—By Wieland.

An Act to amend chapter 479, RSMo, by adding thereto one new section relating to case management systems for municipal courts.

**SJR 21**—By May.

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing Section 30(a) of Article VI of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to county consolidation.

President Pro Tem Schatz assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **SB 20**; **SCS** for **SB 6**; and **SCS** for **SB 89**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Emery, Chairman of the Committee on Government Reform, submitted the following report:

Mr. President: Your Committee on Government Reform, to which was referred **SB 30**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Romine, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 16**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wallingford, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 134**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **SB 83**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **SB 14**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wieland, Chairman of the Committee on Insurance and Banking, submitted the following report:

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 179**, begs leave

to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Riddle, Chairman of the Committee on Professional Registration, Senator Rowden submitted the following reports:

Mr. President: Your Committee on Professional Registration, to which was referred **SB 164**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Professional Registration, to which was referred **SB 36**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hoskins, Chairman of the Committee on Small Business and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business and Industry, to which was referred **SB 90**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business and Industry, to which was referred **SB 154**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Eigel, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 197**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Koenig, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 72**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which were referred **SB 46** and **SB 50**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crawford, Chairman of the Committee on Local Government and Elections, submitted the following reports:

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 53**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 196**, begs leave to report that it has considered the same and recommends that the bill do pass.



Senator Cierpiot, Chairman of the Committee on Economic Development, submitted the following reports:

Mr. President: Your Committee on Economic Development, to which was referred **SB 182**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, to which was referred **SB 57**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bernskoetter, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 84**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 133**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Luetkemeyer, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 194**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 14**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 12**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 28**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

President Kehoe assumed the Chair.

### **THIRD READING OF SENATE BILLS**

**SB 20**, introduced by Senator Libla, entitled:

An Act to repeal section 488.5050, RSMo, and to enact in lieu thereof one new section relating to the

expiration of a court surcharge for deposit in the DNA profiling analysis fund.

Was taken up.

On motion of Senator Libla, **SB 20** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	O’Laughlin	Onder	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Holsman	Nasheed	Riddle—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Libla, title to the bill was agreed to.

Senator Libla moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 89**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 89

An Act to repeal sections 302.170, 302.720, and 302.768, RSMo, and to enact in lieu thereof three new sections relating to commercial driver's licenses, with existing penalty provisions.

Was taken up by Senator Libla.

On motion of Senator Libla, **SCS** for **SB 89** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	O’Laughlin	Onder	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Holsman                  Nasheed                  Riddle—3

Vacancies—None

The President declared the bill passed.

On motion of Senator Libla, title to the bill was agreed to.

Senator Libla moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 6**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 6

An Act to repeal sections 195.010, 195.015, 195.017, 263.250, 556.061, 565.021, 579.015, 579.020, 579.065, and 579.068, RSMo, and to enact in lieu thereof eleven new sections relating to controlled substances, with penalty provisions.

Was taken up by Senator Sater.

On motion of Senator Sater, **SCS** for **SB 6** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	O’Laughlin	Onder	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Holsman                  Nasheed                  Riddle—3

Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SS** for **SB 38**, introduced by Senator Onder, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 38

An Act to amend chapter 285, RSMo, by adding thereto one new section relating to the employer-employee relationship.

Was taken up.

On motion of Senator Onder, **SS** for **SB 38** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Eigel
Emery	Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer
May	O’Laughlin	Onder	Romine	Rowden	Sater	Schatz
Wallingford	White	Wieland—24				

NAYS—Senators

Arthur	Curls	Rizzo	Schupp	Sifton	Walsh	Williams—7
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Absent—Senators—None

Absent with leave—Senators

Holsman	Nasheed	Riddle—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Onder, title to the bill was agreed to.

Senator Onder moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 182**, entitled:

An Act to repeal section 374.191, RSMo, and to enact in lieu thereof one new section relating to interest rates on payments by insurers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 280**, entitled:

An Act to repeal section 300.295, RSMo, and to enact in lieu thereof one new section relating to railroad grade crossings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 108**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto two new sections relating to mental health awareness month.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 72**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to celiac awareness day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 185**, entitled:

An Act to repeal section 210.1014, RSMo, and to enact in lieu thereof one new section relating to the Amber Alert System.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 293**—Commerce, Consumer Protection, Energy and the Environment.

**SB 294**—Insurance and Banking.

**SB 295**—Education.

**SB 296**—Commerce, Consumer Protection, Energy and the Environment.

**SB 297**—Judiciary and Civil and Criminal Jurisprudence.

**SB 298**—Health and Pensions.

**SB 299**—Ways and Means.

**SB 300**—General Laws.

**SB 301**—General Laws.

**SB 302**—Insurance and Banking.

- SB 303**—Professional Registration.
- SB 304**—General Laws.
- SB 305**—Seniors, Families and Children.
- SB 306**—Veterans and Military Affairs.
- SB 307**—Judiciary and Civil and Criminal Jurisprudence.
- SB 308**—Government Reform.
- SB 309**—Health and Pensions.
- SB 310**—Seniors, Families and Children.
- SB 311**—Economic Development.
- SB 312**—Health and Pensions.
- SB 313**—Small Business and Industry.
- SB 314**—Education.
- SB 315**—Professional Registration.
- SB 316**—Insurance and Banking.
- SB 317**—Government Reform.
- SB 318**—Professional Registration.
- SB 319**—Small Business and Industry.
- SB 320**—Progress and Development.
- SB 321**—Local Government and Elections.
- SB 322**—Economic Development.
- SB 323**—Transportation, Infrastructure and Public Safety.
- SB 324**—Local Government and Elections.
- SB 325**—Agriculture, Food Production and Outdoor Resources.
- SB 326**—Local Government and Elections.
- SB 327**—Progress and Development.
- SB 328**—Government Reform.
- SB 329**—General Laws.
- SB 330**—Transportation, Infrastructure and Public Safety.
- SB 331**—Transportation, Infrastructure and Public Safety.
- SB 332**—Transportation, Infrastructure and Public Safety.

**SB 333**—Local Government and Elections.

**HOUSE BILLS ON SECOND READING**

The following Bill was read the 2nd time and referred to the Committees indicated:

**HCS for HB 397**—Seniors, Families and Children.

**INTRODUCTIONS OF GUESTS**

Senator Hoskins introduced to the Senate, Marybeth Bruns, Wardsville.

Senator O’Laughlin introduced to the Senate, Deborah Barrett, Bowling Green; and Gale Frolos, Frankfort.

Senator Schupp introduced to the Senate, her husband, Mark, Creve Coeur.

Senator Brown introduced to the Senate, the Physician of the Day, Dr. Evelyn Aboagye, Rolla; and Dr. Alexandra James, Columbia.

Senator Hegeman introduced to the Senate, Mary Quinley and Amy May.

On motion of Senator Rowden, the Senate adjourned until 4:00 p.m., Monday, February 18, 2019.

**SENATE CALENDAR**

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**TWENTY-SECOND DAY—MONDAY, FEBRUARY 18, 2019**

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**FORMAL CALENDAR**

**SECOND READING OF SENATE BILLS**

SB 334-Onder  
SB 335-Onder  
SB 336-Schupp  
SB 337-Wieland  
SB 338-Wieland  
SB 339-Wieland  
SB 340-Wieland  
SB 341-Wieland  
SB 342-Curls  
SB 343-Eigel  
SB 344-Eigel  
SB 345-Koenig, et al

SB 346-Schupp  
SB 347-Burlison  
SB 348-O’Laughlin  
SB 349-O’Laughlin  
SB 350-O’Laughlin  
SB 351-Williams  
SB 352-Williams  
SB 353-Emery  
SB 354-Cierpiot  
SB 355-Cierpiot  
SB 356-Bernskoetter  
SB 357-Sater

SB 358-Sater	SB 379-Romine
SB 359-Eigel	SB 380-Hough
SB 360-Crawford	SB 381-Onder
SB 361-Riddle	SB 382-Emery
SB 362-Riddle	SB 383-Emery
SB 363-Riddle	SB 384-Schupp
SB 364-Williams	SB 385-Bernskoetter
SB 365-Hoskins	SB 386-O'Laughlin
SB 366-Hoskins	SB 387-Hough
SB 367-Burlison	SB 388-Burlison, et al
SB 368-Hough	SB 389-Burlison
SB 369-Brown	SB 390-Wallingford
SB 370-Brown	SB 391-Bernskoetter
SB 371-Eigel	SB 392-Wieland
SB 372-Hoskins	SJR 16-Sifton
SB 373-Schupp	SJR 17-Nasheed
SB 374-Burlison	SJR 18-Cunningham
SB 375-Riddle	SJR 19-Nasheed
SB 376-Riddle	SJR 20-Koenig
SB 377-Riddle	SJR 21-May
SB 378-Hough	

#### HOUSE BILLS ON SECOND READING

HCS for HB 67	HB 280-Ruth
HB 445-Dogan	HB 108-Sommer
HB 188-Rehder	HB 72-Tate
HB 182-Shull	HCS for HB 185

#### THIRD READING OF SENATE BILLS

SS for SCS for SB 28-Hegeman

#### SENATE BILLS FOR PERFECTION

- |                             |                           |
|-----------------------------|---------------------------|
| 1. SB 56-Cierpiot, with SCS | 4. SB 16-Romine, with SCS |
| 2. SB 21-Libla              | 5. SB 134-Wallingford     |
| 3. SB 30-Hegeman, with SCS  | 6. SB 14-Wallingford      |



- |                                  |                              |
|----------------------------------|------------------------------|
| 7. SB 36-Riddle                  | 13. SB 53-Crawford           |
| 8. SB 90-Libla, with SCS         | 14. SB 196-Bernskoetter      |
| 9. SB 154-Luetkemeyer            | 15. SB 182-Cierpiot, et al   |
| 10. SB 197-Onder, with SCS       | 16. SB 57-Cierpiot           |
| 11. SB 72-O'Laughlin and Emery   | 17. SB 133-Cunningham        |
| 12. SBs 46 & 50-Koenig, with SCS | 18. SB 194-Hoskins, with SCS |

#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

- |   |                         |
|---|-------------------------|
| SB 4-Sater  | SB 49-Rowden, with SCS  |
| SB 7-Emery  | SB 160-Koenig, with SCS |
| SB 39-Onder                                       |                         |
| SB 44-Hoskins, with SCS & SS for SCS<br>(pending) |                         |

#### CONSENT CALENDAR

##### Senate Bills

Reported 2/7

- |                        |                |
|------------------------|----------------|
| SB 131-Emery, with SCS | SB 54-Crawford |
| SB 103-Schupp          |                |

Reported 2/14

- |                            |                  |
|----------------------------|------------------|
| SB 83-Cunningham, with SCS | SB 164-Schupp    |
| SB 179-Cunningham          | SB 84-Cunningham |

#### RESOLUTIONS

- SR 20-Holsman

## Reported from Committee

SCR 4-Curls, et al  
SCR 5-Wallingford  
SCR 6-Schupp

SCR 10-Rowden  
SCR 12-Sater  
SCR 14-Schatz

## To be Referred

SCR 17-Wieland



# Journal of the Senate

FIRST REGULAR SESSION

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**TWENTY-SECOND DAY—MONDAY, FEBRUARY 18, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“Reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.” (George Washington)

Almighty God, on this day set aside to remember our founding presidents let us remember that those we hold as most important for establishing this country were those who saw the necessity of following those principles for righteous living that is found in Your teachings. May this body be so familiar with Your Word that it clings to do what it knows is right and just clearly in their daily living and in the laws passed to govern the people of Missouri. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 14, 2019 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

Absent—Senators—None

Absent with leave—Senators

Curls Riddle—2

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Rowden offered Senate Resolution No. 277, regarding Assistance League of Mid-Missouri, Columbia, which was adopted.

Senator Schupp offered Senate Resolution No. 278, regarding Ritenour School District, St. Louis, which was adopted.

Senator White offered Senate Resolution No. 279, regarding Madelyn Muncy, Lockwood, which was adopted.

Senator Crawford offered Senate Resolution No. 280, regarding the Ninety-ninth Birthday of Melba Mae West Harmon, Windyville, which was adopted.

Senator White offered Senate Resolution No. 281, regarding Donal M. Myers, Carthage, which was adopted.

### **CONCURRENT RESOLUTIONS**

Senator Nasheed offered the following concurrent resolution:

#### **SENATE CONCURRENT RESOLUTION NO. 18**

Whereas, on February 15, 2019, President Trump declared a national emergency to allocate nearly eight billion dollars for the construction of a border wall; and

Whereas, such declaration is an unprecedented abuse of executive power; and

Whereas, the state of California has stated its intent to sue President Trump challenging this national emergency declaration; and

Whereas, several other states are expected to join the lawsuit; and

Whereas, the lawsuit is intended to halt the President from violating the United States Constitution, violating the separation of powers, stealing money from Americans, and stealing money from states that has been lawfully allocated by Congress:

Now Therefore Be It Resolved that the members of the Missouri Senate, One Hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby call on Missouri Attorney General Eric Schmitt to file an independent lawsuit or join the state of California challenging the validity of President Donald Trump's declaration of a national emergency; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Missouri Attorney General Eric Schmitt.

Senator Eigel offered the following concurrent resolution:

#### **SENATE CONCURRENT RESOLUTION NO. 19**

Whereas, the Green New Deal proposed by U.S. Representative Alexandria Ocasio-Cortez is a radical leftist socialist agenda; and

Whereas, the Green New Deal is full of vague climate goals that would be disastrous for our country; and

Whereas, the Green New Deal is socialism disguised as climate reform; and

Whereas, mankind's impact on climate change has been grossly overstated; and

Whereas, the Green New Deal would dramatically reshape the U.S. economy and add tens of trillions of dollars to the national debt; and

Whereas, the Green New Deal would force families to pay more to heat, cool, and provide electricity to their homes; and

Whereas, the Green New Deal would eliminate fossil fuels from all electricity generation and transportation, forcing Americans to rely largely on expensive and unreliable renewable technologies like wind and solar power; and

Whereas, agriculture is Missouri's number one industry and the Green New Deal would have a detrimental impact on traditional agricultural practices:

Now Therefore Be It Resolved that the members of the Missouri Senate, One Hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby call on the members of the Missouri Congressional delegation to oppose H.Res. 109, 116th Cong. (2019), which recognizes the duty of the federal government to create a Green New Deal; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional delegation.

### **INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were read the 1st time and ordered printed:

**SB 393**—By Hough.

An Act to amend chapters 217 and 221, RSMo, by adding thereto two new sections relating to medical assistance for certain offenders.

**SB 394**—By O’Laughlin.

An Act to repeal section 307.015, RSMo, and to enact in lieu thereof one new section relating to motor vehicle mud flaps.

**SB 395**—By Rizzo.

An Act to repeal section 211.211, RSMo, and to enact in lieu thereof one new section relating to a child's right to counsel.

**SB 396**—By Onder.

An Act to repeal section 376.1578, RSMo, and to enact in lieu thereof one new section relating to credentialing procedures for health care practitioners.

**SB 397**—By White.

An Act to repeal section 184.815, RSMo, and to enact in lieu thereof one new section relating to the petition process for the creation of a museum and cultural district.

**SB 398**—By White.

An Act to repeal section 56.765, RSMo, and to enact in lieu thereof two new sections relating to diversion authority of prosecuting attorneys.

**SB 399**—By Burlison.

An Act to repeal sections 144.010, 144.018, and 144.020, RSMo, and to enact in lieu thereof three new sections relating to sales taxes.

**SB 400**—By Burlison.

An Act to repeal sections 335.016, 335.046, 335.051, 335.056, 335.076, and 335.086, RSMo, and to enact in lieu thereof six new sections relating to advanced practice registered nurses.

**SB 401**—By Burlison.

An Act to amend chapter 167, RSMo, by adding thereto five new sections relating to student data privacy.

**SB 402**—By Eigel.

An Act to repeal section 115.127, RSMo, and to enact in lieu thereof one new section relating to the period for filing a declaration of candidacy for certain offices.

**SB 403**—By Eigel.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to transportation funding.

**SB 404**—By Nasheed.

An Act to amend chapter 455, RSMo, by adding thereto three new sections relating to rental agreements

of victims of certain types of abuse.

**SB 405**—By Wallingford.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to Stars and Stripes day.

**SB 406**—By Wallingford.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to life-sustaining treatment policies.

**SB 407**—By Wallingford.

An Act to repeal section 163.018, RSMo, and to enact in lieu thereof one new section relating to early childhood education.

**SJR 22**—By Nasheed.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article XII of the Constitution of Missouri, by adding thereto one new section relating to the modification to the form of local government.

Senator Nasheed requested unanimous consent of the Senate to withdraw **SJR 17**, which request was granted.

Senator Nasheed requested unanimous consent of the Senate to withdraw **SJR 19**, which request was granted.

#### **SENATE BILLS FOR PERFECTION**

Senator Cierpiot moved that **SB 56**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 56**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 56**

An Act to repeal sections 620.2010 and 620.2020, RSMo, and to enact in lieu thereof two new sections relating to financial incentives for job creation.

Was taken up.

Senator Cierpiot moved that **SCS** for **SB 56** be adopted.

Senator Cierpiot offered **SA 1**, which was read:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Bill No. 56, Page 4, Section 620.2010, Line 121, by inserting at the end of said line the following: **“For the purposes of this subsection, each qualified company shall have an average wage of the new payroll that equals or exceeds one hundred percent of the county average wage.”**.

Senator Cierpiot moved that the above amendment be adopted.

Senator Eigel offered the **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 56, Page 5, Section 620.2010, Line 127, by inserting immediately after said line the following:

**“8. Qualified companies receiving benefits under the provisions of sections 620.2000 to 620.2020 shall be exempt from the provisions of sections 290.210 to 290.340.”.**

Senator Eigel moved that the above substitute amendment be adopted, and requested a roll call vote be taken. He was joined in his request by Senators Burlison, Hoskins, Koenig and Onder.

Senator Holsman raised the point of order that **SSA 1** for **SA 1** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

**SSA 1** for **SA 1** was again taken up.

Senator Holsman raised the point of order that **SSA 1** for **SA 1** is not a true substitute amendment.

The point of order was referred to the President Pro Tem, who ruled it well taken.

**SA 1** was again taken up.

Senator Eigel offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 56, Page 1, Section, Line 5, by inserting after the word “wage.” the following: “; and

Further amend said bill and section, page 5, line 127, by inserting immediately after said line the following:

**“8. Qualified companies receiving benefits under the provisions of sections 620.2000 to 620.2020 shall be exempt from the provisions of sections 290.210 to 290.340.”.**

Senator Eigel moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Burlison, Emery, Hoskins and Onder.

At the request of Senator Cierpiot, **SB 56** with **SCS**, **SA 1** and **SA 1** to **SA 1** (pending), was placed on the Informal Calendar.

Senator Libla moved that **SB 21** be taken up for perfection which motion prevailed.

Senator Luetkemeyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 21, Page 4, Section 94.900, Line 115, by inserting immediately after said line the following:

“94.902. 1. The governing bodies of the following cities may impose a tax as provided in this section:

(1) Any city of the third classification with more than twenty-six thousand three hundred but less than twenty-six thousand seven hundred inhabitants;

(2) Any city of the fourth classification with more than thirty thousand three hundred but fewer than thirty thousand seven hundred inhabitants;

(3) Any city of the fourth classification with more than twenty-four thousand eight hundred but fewer than twenty-five thousand inhabitants;

(4) Any special charter city with more than twenty-nine thousand but fewer than thirty-two thousand inhabitants;

(5) Any city of the third classification with more than four thousand but fewer than four thousand five hundred inhabitants and located in any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants;

(6) Any city of the fourth classification with more than nine thousand five hundred but fewer than ten thousand eight hundred inhabitants; [or]

(7) Any city of the fourth classification with more than five hundred eighty but fewer than six hundred fifty inhabitants; **or**

**(8) Any city of the fourth classification with more than two thousand seven hundred but fewer than three thousand inhabitants and located in any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants.**

2. The governing body of any city listed in subsection 1 of this section may impose, by order or ordinance, a sales tax on all retail sales made in the city which are subject to taxation under chapter 144. The tax authorized in this section may be imposed in an amount of up to one-half of one percent, and shall be imposed solely for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance imposing a sales tax under this section shall not become effective unless the governing body of the city submits to the voters residing within the city, at a county or state general, primary, or special election, a proposal to authorize the governing body of the city to impose a tax under this section.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall the city of \_\_\_\_\_ (city's name) impose a citywide sales tax at a rate of \_\_\_\_\_ (insert rate of percent) percent for the purpose of improving the public safety of the city?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments to the order or ordinance shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the sales tax. If a majority of the votes cast on the proposal by the qualified voters voting thereon are



opposed to the proposal, then the tax shall not become effective unless the proposal is resubmitted under this section to the qualified voters and such proposal is approved by a majority of the qualified voters voting on the proposal. However, in no event shall a proposal under this section be submitted to the voters sooner than twelve months from the date of the last proposal under this section.

4. Any sales tax imposed under this section shall be administered, collected, enforced, and operated as required in section 32.087. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created in the state treasury, to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director shall keep accurate records of the amount of money in the trust fund and which was collected in each city imposing a sales tax under this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax. Such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

5. The director of the department of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the action at least ninety days before the effective date of the repeal, and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

6. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall \_\_\_\_\_ (insert the name of the city) repeal the sales tax imposed at a rate of \_\_\_\_\_ (insert rate of percent) percent for the purpose of improving the public safety of the city?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized

in this section shall remain effective until the question is resubmitted under this section to the qualified voters, and the repeal is approved by a majority of the qualified voters voting on the question.

7. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. Any sales tax imposed under this section by a city described under subdivision (6) of subsection 1 of this section that is in effect as of December 31, 2038, shall automatically expire. No city described under subdivision (6) of subsection 1 of this section shall collect a sales tax pursuant to this section on or after January 1, 2039. Subsection 7 of this section shall not apply to a sales tax imposed under this section by a city described under subdivision (6) of subsection 1 of this section.

9. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.”; and

Further amend the title and enacting clause accordingly.

Senator Luetkemeyer moved that the above amendment be adopted.

Senator Hoskins offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 21, Page 2, Section 94.902, Line 5, by striking the word “or”; and further amend line 10 by inserting after the word “inhabitants” the following: “; or

**(9) Any city of the fourth classification with more than two thousand four hundred but fewer than two thousand seven hundred inhabitants and located in any county of the third classification without a township form of government and with more than ten thousand but fewer than twelve thousand inhabitants”.**

Senator Hoskins moved that the amendment be adopted, which motion prevailed.

**SA 1**, as amended, was again taken up.

Senator Luetkemeyer moved that **SA 1**, as amended, be adopted, which motion prevailed.

Senator Hough assumed the Chair.

Senator Koenig offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 21, Page 1, Section A, Line 2, by inserting after all of said line the following:

“94.510. 1. Any city may, by a majority vote of its council or governing body, impose a city sales tax for the benefit of such city in accordance with the provisions of sections 94.500 to 94.550; provided, however, that no ordinance enacted pursuant to the authority granted by the provisions of sections 94.500

to 94.550 shall be effective unless the legislative body of the city submits to the voters of the city, at a public election, a proposal to authorize the legislative body of the city to impose a tax under the provisions of sections 94.500 to 94.550. The ballot of submission shall be in substantially the following form:

Shall the city of \_\_\_\_\_ (insert name of city) impose a city sales tax of \_\_\_\_\_ (insert rate of percent) percent?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the legislative body of the city shall have no power to impose the tax herein authorized unless and until the legislative body of the city shall again have submitted another proposal to authorize the legislative body of the city to impose the tax under the provisions of sections 94.500 to 94.550, and such proposal is approved by a majority of the qualified voters voting thereon.

2. The sales tax may be imposed at a rate of one-half of one percent, seven-eighths of one percent or one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525; except that, each city not within a county may impose such tax at a rate not to exceed one and three-eighths percent. Beginning August 28, 2017, no city shall submit to the voters any proposal that results in a combined rate of sales taxes adopted under this section **and section 94.900** in excess of two percent. **No city with a combined rate of sales tax in excess of the limit established under this subsection as of August 28, 2019, shall be required to reduce or repeal any such tax rate, but shall not be authorized to impose any new tax which shall result in a total combined rate of sales tax in excess of the limit established under this subsection.**

3. If any city in which a city tax has been imposed in the manner provided for in sections 94.500 to 94.550 shall thereafter change or alter its boundaries, the city clerk of the city shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by the act shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.

4. If any city abolishes the tax authorized under this section, the repeal of such tax shall become effective December thirty-first of the calendar year in which such abolishment was approved. Each city shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such city, the director of revenue shall remit the balance in the account to the city and close the account of that city. The director of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.”; and

Further amend the title and enacting clause accordingly.

Senator Koenig moved that the above amendment be adopted.

Senator Holsman offered SA 1 to SA 2, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Bill No. 21, Page 2, Section 94.510, Line 22, by inserting after the word “tax” the following: **“under this section or section 94.900”**.

Senator Holsman moved that the above amendment be adopted, which motion failed.

SA 2 was again taken up.

Senator Koenig moved that SA 2 be adopted, which motion failed.

Senator Koenig offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 21, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “to local sales taxes, with an emergency clause for a certain section.”; and

Further amend said bill and page, section A, line 2, by inserting immediately after said line the following:

“32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection 18 of this section, and shall be imposed on all transactions on which the Missouri state sales tax is imposed.

3. (1) Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

**(2) For all tax years beginning on or after January 1, 2020, the total combined rate of sales taxes under the local sales tax law for any given taxing jurisdiction shall not exceed eight percent, provided that no transient guest tax shall be considered a local sales tax under the local sales tax law.**

4. The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5. (1) The ordinance or order imposing a local sales tax under the local sales tax law shall impose a tax upon all transactions upon which the Missouri state sales tax is imposed to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax

or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

(2) Notwithstanding any other provision of law to the contrary, local taxing jurisdictions, except those in which voters have approved a local use tax under section 144.757, shall have placed on the ballot on or after the general election in November 2014, but no later than the general election in November 2022, whether to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:

Shall the \_\_\_\_\_ (local jurisdiction's name) discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer?

Approval of this measure will result in a reduction of local revenue to provide for vital services for \_\_\_\_\_ (local jurisdiction's name) and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(3) If the ballot question set forth in subdivision (2) of this subsection receives a majority of the votes cast in favor of the proposal, or if the local taxing jurisdiction fails to place the ballot question before the voters on or before the general election in November 2022, the local taxing jurisdiction shall cease applying the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer.

(4) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters, the governing body of any local taxing jurisdiction that had previously imposed a local use tax on the use of motor vehicles, trailers, boats, and outboard motors may, at any time, place a proposal on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(5) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters on or after the general election in November 2014, and on or before the general election in November 2022, whenever the governing body of any local taxing jurisdiction imposing a local sales tax on the sale of motor vehicles, trailers, boats, and outboard motors receives a petition, signed by fifteen percent of the registered voters of such jurisdiction voting in the last gubernatorial election, and calling for a proposal to be placed on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer, the governing body shall submit to the voters of such jurisdiction a proposal to repeal application of the local sales tax to such titling. If a majority of the votes cast by the registered voters

voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(6) Nothing in this subsection shall be construed to authorize the voters of any jurisdiction to repeal application of any state sales or use tax.

(7) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed, such repeal shall take effect on the first day of the second calendar quarter after the election. If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is required to cease to be applied or collected due to failure of a local taxing jurisdiction to hold an election pursuant to subdivision (2) of this subsection, such cessation shall take effect on March 1, 2023.

(8) Notwithstanding any provision of law to the contrary, if any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed after the general election in November 2014, or if the taxing jurisdiction failed to present the ballot to the voters at a general election on or before November 2022, then the governing body of such taxing jurisdiction may, at any election subsequent to the repeal or after the general election in November 2022, if the jurisdiction failed to present the ballot to the voters, place before the voters the issue of imposing a sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 that were purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:

Shall the \_\_\_\_\_ (local jurisdiction's name) apply and collect the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer?

Approval of this measure will result in an increase of local revenue to provide for vital services for \_\_\_\_\_ (local jurisdiction's name), and it will remove a competitive advantage that non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers have over Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(9) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is adopted, such tax shall take effect and be imposed on the first day of the second calendar quarter after the election.

6. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under

such administrative rules and regulations as may be prescribed by the director of revenue.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

8. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

9. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

10. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

12. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors required to be titled under the laws of the state of Missouri, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, the sales tax upon the titling of all motor vehicles, trailers, boats, and outboard motors shall be imposed at the rate in effect at the location of the residence of the purchaser, and remitted to that local taxing entity, and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections [116 through 124] **116 to 124**, as amended.

13. Local sales taxes shall not be imposed on the seller of motor vehicles, trailers, boats, and outboard motors required to be titled under the laws of the state of Missouri, but shall be collected from the purchaser

by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

14. The director of revenue and any of his deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering himself and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

15. The director of revenue shall annually report on his management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. He shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by him for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

16. Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by him under the local sales tax law or in the event a determination has been made against him for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

17. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

18. If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.”; and



Further amend said bill, page 4, section B, line 2, by striking “section A” and inserting in lieu thereof the following: “the repeal and reenactment of section 94.900”; and further amend line 4, by striking “section A” and inserting in lieu thereof the following: “the repeal and reenactment of section 94.900”; and

Further amend the title and enacting clause accordingly.

Senator Koenig moved that **SA 3** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Eigel, Hoskins, O’Laughlin and Onder.

Senator Holsman offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Bill No. 21, Page 2, Section 32.087, Line 12, by striking the word “eight” and inserting in lieu thereof the following: “**ten and seven hundred seventy-five thousandths**”.

Senator Holsman moved that the above amendment be adopted, which motion failed.

**SA 3** was again taken up.

President Kehoe assumed the Chair.

**SA 3** failed of adoption by the following vote:

YEAS—Senators

Bernskoetter	Burlison	Eigel	Emery	Hegeman	Hoskins	Koenig
O’Laughlin	Onder—9					

NAYS—Senators

Arthur	Brown	Cierpiot	Crawford	Cunningham	Holsman	Hough
Libla	Luetkemeyer	May	Nasheed	Rizzo	Romine	Rowden
Sater	Schatz	Schupp	Sifton	Wallingford	Walsh	White
Wieland	Williams—23					

Absent—Senators—None

Absent with leave—Senators

Curls	Riddle—2
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Vacancies—None

Senator Koenig offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 21, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “to local sales taxes, with an emergency clause for a certain section.”; and

Further amend said bill and page, section A, line 2, by inserting immediately after said line the following:

“32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection 18 of this section, and shall be imposed on all transactions on which the Missouri state sales tax is imposed.

3. (1) Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

**(2) For all tax years beginning on or after January 1, 2020, the total combined rate of sales taxes under the local sales tax law for any given taxing jurisdiction shall not exceed ten and seven hundred seventy-five thousandths percent, provided that no transient guest tax shall be considered a local sales tax under the local sales tax law.**

**(3) In any election in which more than one sales tax levy is approved by the voters, and the passage of such levies results in a combined rate of sales tax in excess of the limit provided for under subdivision (2) of this subsection, only the sales tax levy receiving the most votes shall become effective, provided such levy does not result in a combined rate of sales tax in excess of the limit provided for under subdivision (2) of this subsection.**

4. The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5. (1) The ordinance or order imposing a local sales tax under the local sales tax law shall impose a tax upon all transactions upon which the Missouri state sales tax is imposed to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

(2) Notwithstanding any other provision of law to the contrary, local taxing jurisdictions, except those in which voters have approved a local use tax under section 144.757, shall have placed on the ballot on or after the general election in November 2014, but no later than the general election in November 2022, whether to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:

Shall the \_\_\_\_\_ (local jurisdiction’s name) discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer?

Approval of this measure will result in a reduction of local revenue to provide for vital services for \_\_\_\_\_ (local jurisdiction's name) and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(3) If the ballot question set forth in subdivision (2) of this subsection receives a majority of the votes cast in favor of the proposal, or if the local taxing jurisdiction fails to place the ballot question before the voters on or before the general election in November 2022, the local taxing jurisdiction shall cease applying the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer.

(4) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters, the governing body of any local taxing jurisdiction that had previously imposed a local use tax on the use of motor vehicles, trailers, boats, and outboard motors may, at any time, place a proposal on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(5) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters on or after the general election in November 2014, and on or before the general election in November 2022, whenever the governing body of any local taxing jurisdiction imposing a local sales tax on the sale of motor vehicles, trailers, boats, and outboard motors receives a petition, signed by fifteen percent of the registered voters of such jurisdiction voting in the last gubernatorial election, and calling for a proposal to be placed on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer, the governing body shall submit to the voters of such jurisdiction a proposal to repeal application of the local sales tax to such titling. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(6) Nothing in this subsection shall be construed to authorize the voters of any jurisdiction to repeal application of any state sales or use tax.

(7) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed, such repeal shall take effect on the first day of the second calendar quarter after the election. If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is

required to cease to be applied or collected due to failure of a local taxing jurisdiction to hold an election pursuant to subdivision (2) of this subsection, such cessation shall take effect on March 1, 2023.

(8) Notwithstanding any provision of law to the contrary, if any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed after the general election in November 2014, or if the taxing jurisdiction failed to present the ballot to the voters at a general election on or before November 2022, then the governing body of such taxing jurisdiction may, at any election subsequent to the repeal or after the general election in November 2022, if the jurisdiction failed to present the ballot to the voters, place before the voters the issue of imposing a sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 that were purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:

Shall the \_\_\_\_\_ (local jurisdiction's name) apply and collect the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer?

Approval of this measure will result in an increase of local revenue to provide for vital services for \_\_\_\_\_ (local jurisdiction's name), and it will remove a competitive advantage that non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers have over Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(9) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is adopted, such tax shall take effect and be imposed on the first day of the second calendar quarter after the election.

6. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

8. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

9. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010

to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

10. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

12. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors required to be titled under the laws of the state of Missouri, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, the sales tax upon the titling of all motor vehicles, trailers, boats, and outboard motors shall be imposed at the rate in effect at the location of the residence of the purchaser, and remitted to that local taxing entity, and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections [116 through 124] **116 to 124**, as amended.

13. Local sales taxes shall not be imposed on the seller of motor vehicles, trailers, boats, and outboard motors required to be titled under the laws of the state of Missouri, but shall be collected from the purchaser by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

14. The director of revenue and any of his deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering himself and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

15. The director of revenue shall annually report on his management of each trust fund which is created

under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. He shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by him for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

16. Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by him under the local sales tax law or in the event a determination has been made against him for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

17. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

18. If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.”; and

Further amend said bill, page 4, section B, line 2, by striking “section A” and inserting in lieu thereof the following: “the repeal and reenactment of section 94.900”; and further amend line 4, by striking “section A” and inserting in lieu thereof the following: “the repeal and reenactment of section 94.900”; and

Further amend the title and enacting clause accordingly.

Senator Koenig moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Eigel offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Bill No. 21, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “to local sales taxes, with an emergency clause for a certain section.”; and further amend said bill and page, section A, line 2, by inserting after all of said line the following:

“94.510. 1. Any city may, by a majority vote of its council or governing body, impose a city sales tax for the benefit of such city in accordance with the provisions of sections 94.500 to 94.550; provided, however, that no ordinance enacted pursuant to the authority granted by the provisions of sections 94.500 to 94.550 shall be effective unless the legislative body of the city submits to the voters of the city, at a public election, a proposal to authorize the legislative body of the city to impose a tax under the provisions of sections 94.500 to 94.550. The ballot of submission shall be in substantially the following form:

Shall the city of \_\_\_\_\_ (insert name of city) impose a city sales tax of \_\_\_\_\_ (insert rate of percent) percent?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the legislative body of the city shall have no power to impose the tax herein authorized unless and until the legislative body of the city shall again have submitted another proposal to authorize the legislative body of the city to impose the tax under the provisions of sections 94.500 to 94.550, and such proposal is approved by a majority of the qualified voters voting thereon.

2. The sales tax may be imposed at a rate [of one-half of one percent, seven-eighths of one percent or] **not to exceed** one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525; except that, each city not within a county may impose such tax at a rate not to exceed one and three-eighths percent. Beginning August 28, 2017, no city shall submit to the voters any proposal that results in a combined rate of sales taxes adopted under this section in excess of two percent.

3. If any city in which a city tax has been imposed in the manner provided for in sections 94.500 to 94.550 shall thereafter change or alter its boundaries, the city clerk of the city shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by the act shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.

4. If any city abolishes the tax authorized under this section, the repeal of such tax shall become effective December thirty-first of the calendar year in which such abolishment was approved. Each city shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such city, the director of revenue shall remit the balance in the account to the city and close the account of that city. The director of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.”; and

Further amend said bill, page 4, section B, line 2, by striking “section A” and inserting in lieu thereof the following: “the repeal and reenactment of section 94.900”; and further amend line 4, by striking “section

A” and inserting in lieu thereof the following: “the repeal and reenactment of section 94.900”; and  
Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Libla, **SB 21**, as amended, was declared perfected and ordered printed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 255**, entitled:

An Act to repeal sections 620.2010 and 620.2020, RSMo, and to enact in lieu thereof two new sections relating to the Missouri works program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 214**, entitled:

An Act to repeal sections 34.040, 34.042, 34.044, and 34.047, RSMo, and to enact in lieu thereof four new sections relating to purchases to be made on competitive bids.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 77**, entitled:

An Act to repeal section 169.560, RSMo, and to enact in lieu thereof one new section relating to the public school retirement system, with an emergency clause.

Emergency Clause Adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 447**, entitled:

An Act to repeal sections 58.095, 58.451, 58.720, 193.145, and 193.265, RSMo, and to enact in lieu thereof seven new sections relating to coroners.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,



Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 243 & 544**, entitled:

An Act to amend chapter 441, RSMo, by adding thereto one new section relating to victims of certain crimes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 283**, entitled:

An Act to repeal section 256.700, RSMo, and to enact in lieu thereof one new section relating to the geologic resources fee.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **REFERRALS**

President Pro Tem Schatz referred **SCR 17** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **INTRODUCTIONS OF GUESTS**

The President introduced to the Senate, Luke, Renee, Justin, Julia and Josie Kehoe, Dardenne Prairie.

Senator Crawford introduced to the Senate, Advisor Steven Henness; and McKenzie Branson, Morgan Crutsinger, Kaitlyn Davis, Bethany Donnell, Justin Eddy, Brendon Engeman, Logan Phillips, Anushka Ramgounda, Anderson Rogers, Zachary Rosenkrans, Nevin Sharkey, Kara Smith, Rachel Smith, Morgan Starbuck and Blake Wright, representatives of Missouri 4-H Legislative Academy 2019.

Senator Hegeman introduced to the Senate, former State Senator Luann Ridgeway, Clay County Commissioner.

On motion of Senator Rowden, the Senate adjourned under the rules.

### **SENATE CALENDAR**

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TWENTY-THIRD DAY—TUESDAY, FEBRUARY 19, 2019

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### **FORMAL CALENDAR**

### **SECOND READING OF SENATE BILLS**

SB 334-Onder  
SB 335-Onder

SB 336-Schupp  
SB 337-Wieland

SB 338-Wieland	SB 376-Riddle
SB 339-Wieland	SB 377-Riddle
SB 340-Wieland	SB 378-Hough
SB 341-Wieland	SB 379-Romine
SB 342-Curls	SB 380-Hough
SB 343-Eigel	SB 381-Onder
SB 344-Eigel	SB 382-Emery
SB 345-Koenig, et al	SB 383-Emery
SB 346-Schupp	SB 384-Schupp
SB 347-Burlison	SB 385-Bernskoetter
SB 348-O'Laughlin	SB 386-O'Laughlin
SB 349-O'Laughlin	SB 387-Hough
SB 350-O'Laughlin	SB 388-Burlison, et al
SB 351-Williams	SB 389-Burlison
SB 352-Williams	SB 390-Wallingford
SB 353-Emery	SB 391-Bernskoetter
SB 354-Cierpiot	SB 392-Wieland
SB 355-Cierpiot	SB 393-Hough
SB 356-Bernskoetter	SB 394-O'Laughlin
SB 357-Sater	SB 395-Rizzo
SB 358-Sater	SB 396-Onder
SB 359-Eigel	SB 397-White
SB 360-Crawford	SB 398-White
SB 361-Riddle	SB 399-Burlison
SB 362-Riddle	SB 400-Burlison
SB 363-Riddle	SB 401-Burlison
SB 364-Williams	SB 402-Eigel
SB 365-Hoskins	SB 403-Eigel
SB 366-Hoskins	SB 404-Nasheed
SB 367-Burlison	SB 405-Wallingford
SB 368-Hough	SB 406-Wallingford
SB 369-Brown	SB 407-Wallingford
SB 370-Brown	SJR 16-Sifton
SB 371-Eigel	SJR 18-Cunningham
SB 372-Hoskins	SJR 20-Koenig
SB 373-Schupp	SJR 21-May
SB 374-Burlison	SJR 22-Nasheed
SB 375-Riddle	

HOUSE BILLS ON SECOND READING

HCS for HB 67  
HB 445-Dogan  
HB 188-Rehder  
HB 182-Shull  
HB 280-Ruth  
HB 108-Sommer  
HB 72-Tate

HCS for HB 185  
HCS for HB 255  
HB 214-Trent  
HB 77-Black  
HCS for HB 447  
HCS for HBs 243 & 544  
HB 283-Anderson

THIRD READING OF SENATE BILLS

SS for SCS for SB 28-Hegeman

SENATE BILLS FOR PERFECTION

1. SB 30-Hegeman, with SCS
2. SB 16-Romine, with SCS
3. SB 134-Wallingford
4. SB 14-Wallingford
5. SB 36-Riddle
6. SB 90-Libla, with SCS
7. SB 154-Luetkemeyer
8. SB 197-Onder, with SCS

9. SB 72-O'Laughlin and Emery
10. SBs 46 & 50-Koenig, with SCS
11. SB 53-Crawford
12. SB 196-Bernskoetter
13. SB 182-Cierpiot, et al
14. SB 57-Cierpiot
15. SB 133-Cunningham
16. SB 194-Hoskins, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 4-Sater  
SB 7-Emery  
SB 39-Onder  
SB 44-Hoskins, with SCS & SS for SCS  
(pending)

SB 49-Rowden, with SCS  
SB 56-Cierpiot, with SCS, SA 1 & SA 1 to  
SA 1 (pending)  
SB 160-Koenig, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 131-Emery, with SCS

SB 103-Schupp

SB 54-Crawford

Reported 2/14

SB 83-Cunningham, with SCS  
SB 179-CunninghamSB 164-Schupp  
SB 84-Cunningham

## RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 4-Curls, et al  
SCR 5-Wallingford  
SCR 6-SchuppSCR 10-Rowden  
SCR 12-Sater  
SCR 14-Schatz

To be Referred

SCR 18-Nasheed

SCR 19-Eigel

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# Journal of the Senate

FIRST REGULAR SESSION

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**TWENTY-THIRD DAY—TUESDAY, FEBRUARY 19, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“Labor to keep alive in your breast that little spark of celestial fire, called conscience.” (George Washington)

Heavenly Father, You have taught us to listen to that “wee small voice” that helps us follow the right path and do the right things that our inner voice would guide us to follow. For You have written Your words on our heart so we might know what You require of us and encourage us to do and say what is always the most helpful and need. May we always find time and ways to quiet our minds so we might know You are with us and we might hear Your word to guide us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators —None

Vacancies—None

The Lieutenant Governor was present.

Senator Wallingford assumed the Chair.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 408**—By May.

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the state endangered species.

**SB 409**—By Wieland, Romine and Crawford.

An Act to amend chapters 59, 442, and 486, RSMo, by adding thereto seventeen new sections relating to electronic certification of documents, with a penalty provision and a delayed effective date.

**SB 410**—By Koenig.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to the calculation of Missouri adjusted gross income.

**SB 411**—By Romine.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to statewide assessments for elementary and secondary education students.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR  
STATE OF MISSOURI  
February 19, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Rose Marie Carmichael, Democrat, 908 Augusta Drive, Springfield, Greene County, Missouri 65809, as a member of the Missouri Development Finance Board, for a term ending September 14, 2020, and until her successor is duly appointed and qualified; vice, Rose Marie Carmichael, reappointed.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
February 19, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Bradley G. Gregory, Republican, 1800 West Northwood, Bolivar, Polk County, Missouri 65613, as a member of the Missouri Development Finance Board, for a term ending September 14, 2019, and until his successor is duly appointed and qualified; vice, Bradley G. Gregory, reappointed.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI

February 19, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Clifford Kent Holekamp, Republican, 47 Fair Oaks Drive, Ladue, Saint Louis County, Missouri 63124, as a member of the Missouri Development Finance Board, for a term ending September 14, 2020, and until his successor is duly appointed and qualified; vice, Patrick Lamping, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI

February 19, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Rick Holton, Jr., Republican, 12 Upper Ladue Road, Saint Louis, Saint Louis County, Missouri 63124, as a member of the Missouri Development Finance Board, for a term ending September 14, 2022, and until his successor is duly appointed and qualified; vice, Larry D. Neff, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI

February 19, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Deborah L. Kerber, 14534 Radcliffeborough Court, Chesterfield, Saint Louis County, Missouri 63017, as a member of the State Board of Optometry, for a term ending June 30, 2019, and until her successor is duly appointed and qualified; vice, Carrie T. Hruza, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI

February 19, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Scott R. Ream, 23 Dogwood Circle, West Plains, Howell County, Missouri 65775, as a member of the State Board of Optometry, for a term ending June 30, 2021, and until his successor is duly appointed and qualified; vice, James E. Bureman, term expired.

Respectfully submitted,

Michael L. Parson

Governor

President Pro Tem Schatz referred the above appointments to the Committee on Gubernatorial Appointments.

### **REFERRALS**

President Pro Tem Schatz referred **SCR 18** and **SCR 19** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Kehoe.

### **REPORTS OF STANDING COMMITTEES**

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 21**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **SENATE BILLS FOR PERFECTION**

At the request of Senator Hegeman, **SB 30**, with **SCS**, was placed on the Informal Calendar.

Senator Romine moved that **SB 16**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 16**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 16**

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to workforce incentive grants.

Was taken up.

Senator Romine moved that **SCS** for **SB 16** be adopted.

Senator Romine offered **SS** for **SCS** for **SB 16**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 16**

An Act to repeal sections 620.511, 620.513, 620.800, 620.803, 620.806, and 620.809, RSMo, and to enact in lieu thereof seven new sections relating to workforce development.



Senator Romine moved that SS for SCS for **SB 16** be adopted.

Senator Holsman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 16, Page 2, Section 173.2553, Line 24 of said page, by inserting immediately after “(3)” following: **““Employed in the state of Missouri”, employed full time at a workplace located within the state of Missouri and required to make returns of income in accordance with section 143.481, or self-employed, with at least fifty percent of an individual’s annual income coming from self-employment, while a Missouri resident;**

**(4)”**; and

Further amend said bill and section, page 3, line 26 of said page, by striking “to the” and inserting in lieu thereof the following: **“or repayment for each”**; and

Further amend said bill and section, page 4, line 10 of said page, by inserting immediately after “student” the following: **“up to ten thousand dollars per semester”**; and

Further amend said bill and section, page 5, line 4 of said page, by inserting immediately after “11.” the following: **“Grants issued under this section shall be repaid to the department unless the eligible student qualifies for the grant forgiveness provisions of this section and the rules promulgated by the department relating to grant forgiveness. Eligible students who are in compliance with program requirements, as established by the coordinating board, may qualify for forgiveness of a grant or grants received through the program by agreeing to be employed in the state of Missouri beginning within one calendar year of the cessation of the program of study and fulfilling the terms outlined in subsection 13 of this section.**

**12. The coordinating board shall approve grant forgiveness on a year-by-year basis. Each twelve months of qualifying employment authorizes the forgiveness of one third of the total amount of the grant or grants received. Eligible students who cease to be employed in the state of Missouri and students who elect not to comply with these employment requirements, or who fail to meet these requirements, shall be required to repay all outstanding grant balances under the contractual provisions described in subsection 13 of this section.**

**13. The coordinating board shall annually enter into a contract with each eligible student electing to participate in the program at the time at which the individual makes that election. The written contract shall contain, but not be limited to, the following:**

**(1) The terms and conditions under which the grant is made and the requirements for repayment of the grant by the eligible student;**

**(2) A stipulation that no interest shall be assessed on any grant provided through the program;**

**(3) The terms and conditions for qualifying for forgiveness of grant proceeds received through the program, including a provision stating that if an eligible student is unable to be employed in the state of Missouri due to serious and unusual personal circumstances, such eligible student may seek a waiver of the repayment requirements of this section by appealing to the coordinating board for an extension or complete waiver, to be determined by the board under rules promulgated by such; and**

**(4) A provision that any financial obligations arising out of a contract entered into, and any obligations of the eligible student which are conditioned thereon, are contingent upon funds being appropriated to the Fast-Track Workforce Incentive Grant Fund established under subsection 14 of this section.**

**14.”**; and further amend said section by renumbering the remaining subsection accordingly.

Senator Holsman moved that the above amendment be adopted.

Senator Hoskins offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 16, Page 2, Section 173.2553, Line 23, by inserting after the word “student” the following: “, **provided that the minimum term of repayment shall be at least five years**”; and

Further amend said amendment page 3, line 1 by inserting after the word “circumstances”, the following: “**or military transfer**”.

Senator Hoskins moved that the above amendment be adopted, which motion prevailed.

**SA 1**, as amended, was again taken up.

Senator Onder offered **SA 2** to **SA 1**, which was read:

SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 16, Page 2, Line 23, by inserting after the word student “student” the following: “, **including the assessment of interest on such repayment at a rate not to exceed the adjusted prime rate charged by banks, as determined in section 32.065, in effect on January 1 prior to the date that the student is required to begin repayment**”; and further amend lines 24-25 by striking all of said lines; and further renumber the remaining subdivisions accordingly.

Senator Onder moved that the above amendment be adopted.

At the request of Senator Holsman, **SA 1**, as amended, was withdrawn, rendering **SA 2** to **SA 1** moot.

Senator May offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 16, Page 9, Section 620.800, Line 2, by inserting after the word “premiums” the following: “. **“Full-time employee” shall include any student in grade eleven or twelve enrolled in a public secondary school or public charter school who participates in a paid internship or paid job training program through which the student is employed by a qualified company and for which the student receives credit from the student’s district of residence or public charter school**”; and

Further amend said bill and section, page 11, line 9 by inserting after the word “premiums” the

following: “, **provided a qualified company shall not be required to offer health insurance to a full-time employee who is a student as described under subdivision (8) of this section**”.

Senator May moved that the above amendment be adopted, which motion failed.

Senator Eigel offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 16, Page 1, Section A, Line 5, by inserting after all of said line the following:

“143.011. 1. A tax is hereby imposed for every taxable year on the Missouri taxable income of every resident. The tax shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

If the Missouri taxable income is:	The tax is:
Not over \$1,000.00	1 ½% of the Missouri taxable income
Over \$1,000 but not over \$2,000	\$15 plus 2% of excess over \$1,000
Over \$2,000 but not over \$3,000	\$35 plus 2 ½% of excess over \$2,000
Over \$3,000 but not over \$4,000	\$60 plus 3% of excess over \$3,000
Over \$4,000 but not over \$5,000	\$90 plus 3 ½% of excess over \$4,000
Over \$5,000 but not over \$6,000	\$125 plus 4% of excess over \$5,000
Over \$6,000 but not over \$7,000	\$165 plus 4 ½% of excess over \$6,000
Over \$7,000 but not over \$8,000	\$210 plus 5% of excess over \$7,000
Over \$8,000 but not over \$9,000	\$260 plus 5 ½% of excess over \$8,000
Over \$9,000	\$315 plus 6% of excess over \$9,000

2. (1) Beginning with the 2017 calendar year, the top rate of tax under subsection 1 of this section may be reduced over a period of years. Each reduction in the top rate of tax shall be by one-tenth of a percent and no more than one reduction shall occur in a calendar year. No more than five reductions shall be made under this subsection. Reductions in the rate of tax shall take effect on January first of a calendar year and such reduced rates shall continue in effect until the next reduction occurs.

(2) A reduction in the rate of tax shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred fifty million dollars.

(3) Any modification of tax rates under this subsection shall only apply to tax years that begin on or after a modification takes effect.

(4) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection. The bracket for income subject to the top rate of tax shall be eliminated once the top rate of tax has been reduced to five and one-half percent, and the top remaining rate of tax shall apply to all income in excess of the income in the second highest remaining

income bracket.

3. (1) In addition to the rate reductions under subsection 2 of this section, beginning with the 2019 calendar year, the top rate of tax under subsection 1 of this section shall be reduced by four-tenths of one percent. Such reduction in the rate of tax shall take effect on January first of the 2019 calendar year.

(2) The modification of tax rates under this subsection shall only apply to tax years that begin on or after the date the modification takes effect.

(3) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection.

**4. (1) In addition to the rate reductions under subsections 2 and 3 of this section, beginning with the 2020 calendar year, the top rate of tax under subsection 1 of this section shall be reduced by one and one-tenth percent. Such reduction in the rate of tax shall take effect on January first of a calendar year.**

**(2) The modification of tax rates under this subsection shall only apply to tax years that begin on or after the date the modification takes effect.**

**(3) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection.**

5. Beginning with the 2017 calendar year, the brackets of Missouri taxable income identified in subsection 1 of this section shall be adjusted annually by the percent increase in inflation. The director shall publish such brackets annually beginning on or after October 1, 2016. Modifications to the brackets shall take effect on January first of each calendar year and shall apply to tax years beginning on or after the effective date of the new brackets.

[5.] 6. As used in this section, the following terms mean:

(1) “CPI”, the Consumer Price Index for All Urban Consumers for the United States as reported by the Bureau of Labor Statistics, or its successor index;

(2) “CPI for the preceding calendar year”, the average of the CPI as of the close of the twelve month period ending on August thirty-first of such calendar year;

(3) “Net general revenue collected”, all revenue deposited into the general revenue fund, less refunds and revenues originally deposited into the general revenue fund but designated by law for a specific distribution or transfer to another state fund;

(4) “Percent increase in inflation”, the percentage, if any, by which the CPI for the preceding calendar year exceeds the CPI for the year beginning September 1, 2014, and ending August 31, 2015.”; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted.

Senator Rizzo raised the point of order that **SA 3** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed **SB 16**, with **SCS, SS** for **SCS, SA 3** and the point of order (pending), on the Informal Calendar.

## **RESOLUTIONS**

Senator Bernskoetter offered Senate Resolution No. 282, regarding Lowell Mohler, Oregon, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 283, regarding Eagle Scout Jack Stanlee Kelley, Parkville, which was adopted.

Senator Curls offered Senate Resolution No. 284, regarding Ashley Moore, Raytown, which was adopted.

Senator Brown offered Senate Resolution No. 285, regarding Andrew D. Baker, Dixon, which was adopted.

## **INTRODUCTIONS OF GUESTS**

Senator Walsh introduced to the Senate, Mayor Michele DeShay and Alderwoman Darlene Bell, Moline Acres; and Alderwoman Alease Dailes, Bellefontaine Neighbors.

Senators Walsh and May introduced to the Senate, former State Representative Tommie Pierson, Sr., Bellefontaine Neighbors.

Senator Schatz introduced to the Senate, the Physician of the Day, Dr. Kristin Weidle, M.D., Washington.

Senator Hough introduced to the Senate, Jacquelynn Capriano, Paul Gantner, Jason Jacoby, Melissa Leavy, Robert Linhares, Erin Merkle, Nikki Mitchell, Brian Quinn and Stephen Stark, representatives of the MO Chapter of National Academy of Elder Law Attorneys.

Senator Williams introduced to the Senate, Councilwoman Ella M. Jones, Ferguson; and City Manager Gregory Rose and Councilman Jeff Hales, University City.

Senator Curls introduced to the Senate, representatives of Delta Sigma Theta Sorority, Inc., Kansas City and St. Louis.

Senator Eigel introduced to the Senate, Dr. Aubra Houchin, and his wife, Patty, St. Peters.

Senator White introduced to the Senate, Cookie Estrada, Joplin; Jonathan Roberts, Carthage; Ben Coffey, Neosho; Jeff Snyder, Nevada; and Kathryn Custer, Springfield, representatives of Southwest Region YMCA.

Senator Sater introduced to the Senate, Blake Wright, Verona.

On behalf of Senator Bernskoetter and himself, the President introduced to the Senate, Bernie Fechtel, Joe Scheppers and Chris Ebright, Jefferson City.

Senator Wallingford introduced to the Senate, Morgan Crutsinger, Whitewater; and Nevin Sharky, Sikeston, 4H Legislative Academy.

Senator Brown introduced to the Senate, Bethany Donnell, Davisville.

On behalf of Senator Hegeman and himself, the President introduced to the Senate, Anderson Rogers,

Bethany.

Senator Brown introduced to the Senate, Robert Shields, III, Camdenton; and Mary Shields, Sunrise Beach.

On motion of Senator Rowden, the Senate adjourned under the rules.

## SENATE CALENDAR

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TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 20, 2019

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 334-Onder	SB 358-Sater
SB 335-Onder	SB 359-Eigel
SB 336-Schupp	SB 360-Crawford
SB 337-Wieland	SB 361-Riddle
SB 338-Wieland	SB 362-Riddle
SB 339-Wieland	SB 363-Riddle
SB 340-Wieland	SB 364-Williams
SB 341-Wieland	SB 365-Hoskins
SB 342-Curls	SB 366-Hoskins
SB 343-Eigel	SB 367-Burlison
SB 344-Eigel	SB 368-Hough
SB 345-Koenig, et al	SB 369-Brown
SB 346-Schupp	SB 370-Brown
SB 347-Burlison	SB 371-Eigel
SB 348-O'Laughlin	SB 372-Hoskins
SB 349-O'Laughlin	SB 373-Schupp
SB 350-O'Laughlin	SB 374-Burlison
SB 351-Williams	SB 375-Riddle
SB 352-Williams	SB 376-Riddle
SB 353-Emery	SB 377-Riddle
SB 354-Cierpiot	SB 378-Hough
SB 355-Cierpiot	SB 379-Romine
SB 356-Bernskoetter	SB 380-Hough
SB 357-Sater	SB 381-Onder

SB 382-Emery	SB 400-Burlison
SB 383-Emery	SB 401-Burlison
SB 384-Schupp	SB 402-Eigel
SB 385-Bernskoetter	SB 403-Eigel
SB 386-O'Laughlin	SB 404-Nasheed
SB 387-Hough	SB 405-Wallingford
SB 388-Burlison, et al	SB 406-Wallingford
SB 389-Burlison	SB 407-Wallingford
SB 390-Wallingford	SB 408-May
SB 391-Bernskoetter	SB 409-Wieland, et al
SB 392-Wieland	SB 410-Koenig
SB 393-Hough	SB 411-Romine
SB 394-O'Laughlin	SJR 16-Sifton
SB 395-Rizzo	SJR 18-Cunningham
SB 396-Onder	SJR 20-Koenig
SB 397-White	SJR 21-May
SB 398-White	SJR 22-Nasheed
SB 399-Burlison	

## HOUSE BILLS ON SECOND READING

HCS for HB 67	HCS for HB 185
HB 445-Dogan	HCS for HB 255
HB 188-Rehder	HB 214-Trent
HB 182-Shull	HB 77-Black
HB 280-Ruth	HCS for HB 447
HB 108-Sommer	HCS for HBs 243 & 544
HB 72-Tate	HB 283-Anderson

## THIRD READING OF SENATE BILLS

SS for SCS for SB 28-Hegeman	SB 21-Libla
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## SENATE BILLS FOR PERFECTION

- |                       |                           |
|-----------------------|---------------------------|
| 1. SB 134-Wallingford | 4. SB 90-Libla, with SCS  |
| 2. SB 14-Wallingford  | 5. SB 154-Luetkemeyer     |
| 3. SB 36-Riddle       | 6. SB 197-Onder, with SCS |

- |                                 |                              |
|---------------------------------|------------------------------|
| 7. SB 72-O'Laughlin and Emery   | 11. SB 182-Cierpiot, et al   |
| 8. SBs 46 & 50-Koenig, with SCS | 12. SB 57-Cierpiot           |
| 9. SB 53-Crawford               | 13. SB 133-Cunningham        |
| 10. SB 196-Bernskoetter         | 14. SB 194-Hoskins, with SCS |

### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

- |  |  |
|--|--|
| SB 4-Sater                               | SB 44-Hoskins, with SCS & SS for SCS     |
| SB 7-Emery                               | (pending)                                |
| SB 16-Romine, with SCS, SS for SCS, SA 3 | SB 49-Rowden, with SCS                   |
| & point of order (pending)               | SB 56-Cierpiot, with SCS, SA 1 & SA 1 to |
| SB 30-Hegeman, with SCS                  | SA 1 (pending)                           |
| SB 39-Onder                              | SB 160-Koenig, with SCS                  |

### CONSENT CALENDAR

#### Senate Bills

#### Reported 2/7

- |                        |                |
|------------------------|----------------|
| SB 131-Emery, with SCS | SB 54-Crawford |
| SB 103-Schupp          |                |

#### Reported 2/14

- |                            |                  |
|----------------------------|------------------|
| SB 83-Cunningham, with SCS | SB 164-Schupp    |
| SB 179-Cunningham          | SB 84-Cunningham |

### RESOLUTIONS

SR 20-Holsman

#### Reported from Committee

- |                    |               |
|--------------------|---------------|
| SCR 4-Curls, et al | SCR 10-Rowden |
| SCR 5-Wallingford  | SCR 12-Sater  |
| SCR 6-Schupp       | SCR 14-Schatz |



# Journal of the Senate

## FIRST REGULAR SESSION

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### TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 20, 2019

---

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“You cannot escape the responsibility of tomorrow by evading it today.” (Abraham Lincoln)

Gracious God, we are so thankful that You have called us to serve in such a responsible position. May we always be mindful that there is much that we must address and make decisions about each day. Keep us on track to clearly prioritize what must be addressed first and completed because You have taught us tomorrow will bring its own demands and issues to be addressed and actions taken. We thank You for Your presence in our lives and gentle push we sometimes need to do what must be done. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators —None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Arthur offered Senate Resolution No. 286, regarding Katie Wilson, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 287, regarding Alison Gatzemeyer, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 288, regarding Abigail Schulte, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 289, regarding Charlotte Brookins, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 290, regarding Morgan Neal, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 291, regarding Amanda Floray, Kansas City, which was adopted.

Senator Schatz offered Senate Resolution No. 292, regarding Frank Paul Cali, Chesterfield, which was adopted.

### **CONCURRENT RESOLUTIONS**

Senator Holsman offered the following concurrent resolution:

#### **SENATE CONCURRENT RESOLUTION NO. 20**

Whereas, the founders of this great nation set forth on the Earth an enduring Republic and charged future generations with the solemn duty of its preservation; and

Whereas, the Constitution of these United States, which is the cornerstone of this Republic, establishes the process to propose and ratify amendments to itself, including a process reserved for the state legislatures in Article V of the United States Constitution; and

Whereas, the State of Missouri recognizes that this process to amend the United States Constitution should by right be held in esteem, worthy of the sacrifice of our founders; and

Whereas, the State of Missouri recognizes that a preexisting set of rules and procedures to convene a convention for proposing amendments under Article V of the United States Constitution is desirable to ensure that such a convention functions effectively and decisively; and

Whereas, the State of Missouri recognizes that the Assembly of State Legislatures, made up of a bipartisan group of state legislators from 45 states, has met over a period of four years to carefully craft and consider rules and procedures for the convening of an Article V convention:

Now, Therefore, Be It Resolved by the members of the Missouri Senate, One-hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby declares that should a convention for proposing amendments under Article V of the United States Constitution be called, the State of Missouri supports the adoption of the rules and procedures adopted by the Assembly of State Legislatures on June 17, 2016, as the official rules and procedures to convene such a convention; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Executive Committee of the Assembly of State Legislatures.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 412**—By Holsman.

An Act to repeal section 82.1026, RSMo, and to enact in lieu thereof one new section relating to vacant nuisance properties in certain cities.

**SB 413**—By Sater.

An Act to repeal sections 376.387 and 376.388, RSMo, and to enact in lieu thereof five new sections relating to pharmacy benefits.

**SB 414**—By Wieland.

An Act to amend chapter 376, RSMo, by adding thereto two new sections relating to innovations in health insurance, with an emergency clause.

**SB 415**—By Bernskoetter.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to hospital inspections.

**SB 416**—By Bernskoetter.

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to working animals.

**SB 417**—By White.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the reporting of health insurance expenditures.

**SB 418**—By White.

An Act to repeal section 456.4-419, RSMo, and to enact in lieu thereof one new section relating to distribution of income or principal from one trust to another trust.

**SB 419**—By Riddle.

An Act to repeal section 577.665, RSMo, and to enact in lieu thereof one new section relating to tanning facilities, with penalty provisions.

**SB 420**—By Riddle.

An Act to amend chapter 188, RSMo, by adding thereto one new section relating to out-of-state abortion referrals.

**SB 421**—By Wallingford.

An Act to repeal sections 37.005, 41.160, and 650.005, RSMo, and to enact in lieu thereof three new sections relating to the office of adjutant general.

### **MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor, reading of which was waived:

GOVERNOR  
STATE OF MISSOURI  
February 20, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Glen Nelson, Republican, 308 Timberline Drive, Lincoln, Benton County, Missouri 65338, as the Northern District Commissioner of the Benton County Commission, for a term ending when his successor is duly elected or appointed and qualified; vice, Jim Hansen, resigned.

Respectfully submitted,

Michael L. Parson

Governor

President Pro Tem Schatz referred the above appointment to the Committee on Gubernatorial Appointments.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

### SENATE BILLS FOR PERFECTION

Senator Wallingford moved that **SB 134** be taken up for perfection, which motioned prevailed.

On motion of Senator Wallingford, **SB 134** was declared perfected and ordered printed.

At the request of Senator Wallingford, **SB 14** was placed on the Informal Calendar.

Senator Riddle moved that **SB 36** be taken up for perfection, which motion prevailed.

Pursuant to Senate Rule 91, Senator Holsman requested unanimous consent of the Senate to be excused from voting on all votes taken in the perfection of **SB 36**, which request was granted.

On motion of Senator Riddle, **SB 36** was declared perfected and ordered printed.

Senator Libla moved that **SB 90**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 90**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 90

An Act to repeal sections 288.040, 288.130, and 288.245, RSMo, and to enact in lieu thereof four new sections relating to employment security.

Was taken up.

Senator Libla moved that **SCS** for **SB 90** be adopted.

Senator Sater offered **SA 1**:

### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 90, Page 8, Section 288.130, Line 39, by inserting after all of said line the following:

“288.160. 1. If any employer neglects or refuses to make a report as required by this [law] **chapter** the division shall make an estimate based on any information in its possession or that may come into its possession of the amount of wages paid by such employer for the period in respect to which the employer failed to make the report, and upon the basis of such estimated amount compute and assess the contributions and interest payable by such employer, adding to such sum a penalty as set forth in subsection 2 of this section. Promptly thereafter, the division shall give to such employer written notice of such estimated contributions, interest and penalties as so assessed, the notice to be served [personally or] by [registered] **certified** mail, directed to the last known [principal place of business] **address** of such employer [in this state or in any state in the event the employer has none in this state].

2. If any employer neglects or refuses to file any required report by the last day of the month following

the due date there shall be imposed a penalty, equal to the greater of one hundred dollars or ten percent of the contributions required to be shown on the report, for each month or fraction thereof during which such failure continues, provided, however, that the penalty shall not exceed the greater of two hundred dollars or twenty percent of the contributions in the aggregate.

3. In any case in which any contributions, interest or penalties imposed by this [law] **chapter** are not paid when due, it shall be the duty of the division, when the amount of contributions, interest or penalties is determined, either by the report of the employer or by such investigation as the division may make, to assess the contributions, interest and penalties so determined against such employer and to certify the amount of such contributions, interest and penalties and give such employer written notice, served [personally or] by [registered] **certified** mail, directed to the last known address of such employer [in this state or in any state, in the event the employer has none in this state].

4. If fraud or evasion on the part of any employer is discovered by the division, the division shall determine the amount by which the state has been defrauded, shall add to the amount so determined a penalty equal to twenty-five percent thereof, and shall assess the same against the employer. The amount so assessed shall be immediately due and payable; provided, however, that the division shall promptly thereafter give to such employer written notice of such assessment.

5. Any employer against whom an assessment is made pursuant to the provisions of subsections 1, 2, 3 and 4 of this section may petition for reassessment. The petition for such reassessment shall be filed with the division during the thirty-day period following the [day of service or] mailing of the notice of such assessment. In the absence of the filing of such a petition for reassessment the assessment shall become final upon the expiration of such a thirty-day period. Each such petition for reassessment shall set forth specifically and in detail the grounds upon which it is claimed the assessment is erroneous.

6. (1) In any case in which any contributions, interest or penalties imposed by [law] **this chapter** are not paid when due, the notice of the assessment of such contributions, interest and penalties shall be served upon or mailed to the employer within three years of the date upon which the payment of the contributions was due except that in any case of fraud or misrepresentation on the part of the employer, the notice of the assessment of the contributions, interest and penalties may be served [upon or mailed] **by mail to the last known address of such** employer at any time.

(2) The giving of the notice of the making of the assessment shall toll any statute of limitations on the collection of any contributions, interest and penalties assessed.

(3) In the event any employer is entitled to the advantage of the Soldiers' and Sailors' Civil Relief Act of 1940, or any amendment thereto, prior to the date any assessment becomes final, such employer shall be permitted to file a petition for reassessment at any time within ninety days following such employer's discharge from the armed services.

(4) The certificate of assessment which, pursuant to the provisions of section 288.170, may be filed with the clerk of the circuit court shall, upon such filing, thereafter be treated in all respects as a final judgment of the circuit court against the employer and the general statute of limitations applying to other judgments of courts of record shall apply.”; and

Further amend the title and enacting clause accordingly.

Senator Sater moved that the above amendment be adopted, which motion prevailed.

Senator Libla moved that **SCS** for **SB 90**, as amended, be adopted, which motion prevailed.

On motion of Senator Libla, **SCS** for **SB 90**, as amended, was declared perfected and ordered printed.

Senator Luetkemeyer moved that **SB 154** be taken up for perfection, which motion prevailed.

Senator Luetkemeyer offered **SS** for **SB 154**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 154

An Act to repeal sections 435.350, 435.355, and 435.440, RSMo, and to enact in lieu thereof four new sections relating to arbitration agreements between employers and employees.

Senator Luetkemeyer moved that **SS** for **SB 154** be adopted.

Senator Arthur offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 154, Page 2, Section 435.350, Lines 15-16, by striking all of said lines and inserting in lieu thereof the following:

**“(2) The employer notifies the employee, in writing, of the terms of the agreement in a document that is separate from the employee’s handbook;”**.

Senator Arthur moved that the above amendment be adopted, which motion prevailed.

Senator Sifton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 154, Page 1, Section A, Line 4, by inserting immediately after said line the following:

“213.010. As used in this chapter, the following terms shall mean:

(1) “Age”, an age of forty or more years but less than seventy years, except that it shall not be an unlawful employment practice for an employer to require the compulsory retirement of any person who has attained the age of sixty-five and who, for the two-year period immediately before retirement, is employed in a bona fide executive or high policy-making position, if such person is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit sharing, savings or deferred compensation plan, or any combination of such plans, of the employer, which equals, in the aggregate, at least forty-four thousand dollars;

(2) “Because” or “because of”, as it relates to the adverse decision or action, the protected criterion was the motivating factor;

(3) “Commission”, the Missouri commission on human rights;

(4) “Complainant”, a person who has filed a complaint with the commission alleging that another person has engaged in a prohibited discriminatory practice;

(5) “Disability”, a physical or mental impairment which substantially limits one or more of a person’s major life activities, being regarded as having such an impairment, or a record of having such an

impairment, which with or without reasonable accommodation does not interfere with performing the job, utilizing the place of public accommodation, or occupying the dwelling in question. For purposes of this chapter, the term “disability” does not include current, illegal use of or addiction to a controlled substance as such term is defined by section 195.010; however, a person may be considered to have a disability if that person:

(a) Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of, and is not currently addicted to, a controlled substance or has otherwise been rehabilitated successfully and is no longer engaging in such use and is not currently addicted;

(b) Is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or

(c) Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance;

(6) “Discrimination”, conduct proscribed herein, taken because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity**, or age as it relates to employment, disability, or familial status as it relates to housing. **Discrimination includes any unfair treatment based on a person’s presumed or assumed race, color, religion, national origin, ancestry, sex, sexual orientation, gender identity, age as it relates to employment, disability, or familial status as it relates to housing, whether or not the presumption or assumption as to such characteristics is correct;**

(7) “Dwelling”, any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof;

(8) “Employer”, a person engaged in an industry affecting commerce who has six or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and shall include the state, or any political or civil subdivision thereof, or any person employing six or more persons within the state but does not include corporations and associations owned or operated by religious or sectarian organizations. “Employer” shall not include:

(a) The United States;

(b) A corporation wholly owned by the government of the United States;

(c) An individual employed by an employer;

(d) An Indian tribe;

(e) Any department or agency of the District of Columbia subject by statute to procedures of the competitive service, as defined in 5 U.S.C. Section 2101; or

(f) A bona fide private membership club, other than a labor organization, that is exempt from taxation under 26 U.S.C. Section 501(c);

(9) “Employment agency” includes any person or agency, public or private, regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer;

(10) “Executive director”, the executive director of the Missouri commission on human rights;

(11) “Familial status”, one or more individuals who have not attained the age of eighteen years being domiciled with:

(a) A parent or another person having legal custody of such individual; or

(b) The designee of such parent or other person having such custody, with the written permission of such parent or other person. The protections afforded against discrimination because of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years;

(12) **“Gender identity”, the gender-related identity, appearance, or mannerisms, or other gender-related characteristics of an individual, with or without regard to the individual’s designed sex at birth;**

(13) “Human rights fund”, a fund established to receive civil penalties as required by federal regulations and as set forth by subdivision (2) of subsection 11 of section 213.075, and which will be disbursed to offset additional expenses related to compliance with the Department of Housing and Urban Development regulations;

[(13)] (14) “Labor organization” includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment;

[(14)] (15) “Local commissions”, any commission or agency established prior to August 13, 1986, by an ordinance or order adopted by the governing body of any city, constitutional charter city, town, village, or county;

[(15)] (16) “Person” includes one or more individuals, corporations, partnerships, associations, organizations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, trustees, trustees in bankruptcy, receivers, fiduciaries, or other organized groups of persons;

[(16)] (17) “Places of public accommodation”, all places or businesses offering or holding out to the general public, goods, services, privileges, facilities, advantages or accommodations for the peace, comfort, health, welfare and safety of the general public or such public places providing food, shelter, recreation and amusement, including, but not limited to:

(a) Any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as [his] **the proprietor’s** residence;

(b) Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment;

(c) Any gasoline station, including all facilities located on the premises of such gasoline station and made available to the patrons thereof;

(d) Any motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment;

(e) Any public facility owned, operated, or managed by or on behalf of this state or any agency or



subdivision thereof, or any public corporation; and any such facility supported in whole or in part by public funds;

(f) Any establishment which is physically located within the premises of any establishment otherwise covered by this section or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment;

[(17)] (18) “Rent” includes to lease, to sublease, to let and otherwise to grant for consideration the right to occupy premises not owned by the occupant;

[(18)] (19) “Respondent”, a person who is alleged to have engaged in a prohibited discriminatory practice in a complaint filed with the commission;

[(19)] (20) “Sexual orientation”, one’s actual or perceived emotional or physical attraction to, or romantic or physical relationships with, members of the same gender, members of a different gender, or members of any gender, or the lack of any emotional or physical attraction to, or romantic or physical relationships with, anyone. The term “sexual orientation” includes a history of such attraction or relationship or a history of no such attraction or relationship;

(21) “The motivating factor”, the employee’s protected classification actually played a role in the adverse action or decision and had a determinative influence on the adverse decision or action;

[(20)] (22) “Unlawful discriminatory practice”, any act that is unlawful under this chapter.

213.030. 1. The powers and duties of the commission shall be:

(1) To seek to eliminate and prevent discrimination because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity**, age as it relates to employment, disability, or familial status as it relates to housing and to take other actions against discrimination because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity**, age, disability, or familial status as provided by law; and the commission is hereby given general jurisdiction and power for such purposes;

(2) To implement the purposes of this chapter first by conference, conciliation and persuasion so that persons may be guaranteed their civil rights and goodwill be fostered;

(3) To formulate policies to implement the purposes of this chapter and to make recommendations to agencies and officers of the state and political subdivisions in aid of such policies and purposes;

(4) To appoint such employees as it may deem necessary, fix their compensation within the appropriations provided and in accordance with the wage structure established for other state agencies, and prescribe their duties;

(5) To obtain upon request and utilize the services of all governmental departments and agencies to be paid from appropriations to this commission;

(6) To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this chapter and the policies and practices of the commission in connection therewith;

(7) To receive, investigate, initiate, and pass upon complaints alleging discrimination in employment, housing or in places of public accommodations because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity**, age as it relates to employment, disability, or familial status as it relates to housing and to require the production for examination of any books, papers, records, or other

materials relating to any matter under investigation;

(8) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, to take the testimony of any person under oath, and, in connection therewith, to require the production for examination of any books, papers or other materials relating to any matter under investigation or in question before the commission;

(9) To issue publications and the results of studies and research which will tend to promote goodwill and minimize or eliminate discrimination in housing, employment or in places of public accommodation because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity**, age as it relates to employment, disability, or familial status as it relates to housing;

(10) To provide each year to the governor and to the general assembly a full written report of all its activities and of its recommendations;

(11) To adopt an official seal;

(12) To cooperate, act jointly, enter into cooperative or work-sharing agreements with the United States Equal Employment Opportunity Commission, the United States Department of Housing and Urban Development, and other federal agencies and local commissions or agencies to achieve the purposes of this chapter;

(13) To accept grants, private gifts, bequests, and establish funds to dispose of such moneys so long as the conditions of the grant, gift, or bequest are not inconsistent with the purposes of this chapter and are used to achieve the purposes of this chapter;

(14) To establish a human rights fund as defined in section 213.010, for the purposes of administering sections 213.040, 213.045, 213.050, 213.070, 213.075, and 213.076.

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of [section 536.024] **chapter 536**.

213.040. 1. It shall be an unlawful housing practice:

(1) To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable, a dwelling to any person because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity**, disability, or familial status;

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity**, disability, or familial status;

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity**, disability, or familial status, or an intention to make any such preference, limitation, or discrimination;

(4) To represent to any person because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity**, disability, or familial status that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;

(5) To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons because of a particular race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity**, disability, or familial status;

(6) To discriminate in the sale or rental of, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:

(a) That buyer or renter;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(c) Any person associated with that buyer or renter;

(7) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:

(a) That person;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(c) Any person associated with that person.

2. For purposes of this section and sections 213.045 and 213.050, discrimination includes:

(1) A refusal to permit, at the expense of the person with the disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(2) A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

(3) In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:

(a) The public use and common use portions of such dwellings are readily accessible to and usable by persons with a disability;

(b) All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons with a disability in wheelchairs; and

(c) All premises within such dwellings contain the following features of adaptive design:

a. An accessible route into and through the dwelling;

b. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

c. Reinforcements in bathroom walls to allow later installation of grab bars; and

d. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

3. As used in subdivision (3) of subsection 2 of this section, the term “covered multifamily dwelling” means:

(1) Buildings consisting of four or more units if such buildings have one or more elevators; and

(2) Ground floor units in other buildings consisting of four or more units.

4. Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities providing accessibility and usability for people with physical disabilities, commonly cited as “ANSI A117.1”, suffices to satisfy the requirements of paragraph (a) of subdivision (3) of subsection 2 of this section.

5. Where a unit of general local government has incorporated into its laws the requirements set forth in subdivision (3) of subsection 2 of this section, compliance with such laws shall be deemed to satisfy the requirements of that subdivision. Such compliance shall be subject to the following provisions:

(1) A unit of general local government may review and approve newly constructed covered multifamily dwellings for the purpose of making determinations as to whether the design and construction requirements of subdivision (3) of subsection 2 of this section are met;

(2) The commission shall encourage, but may not require, the units of local government to include in their existing procedures for the review and approval of newly constructed covered multifamily dwellings, determinations as to whether the design and construction of such dwellings are consistent with subdivision (3) of subsection 2 of this section, and shall provide technical assistance to units of local government and other persons to implement the requirements of subdivision (3) of subsection 2 of this section;

(3) Nothing in this chapter shall be construed to require the commission to review or approve the plans, designs or construction of all covered dwellings, to determine whether the design and construction of such dwellings are consistent with the requirements of subdivision (3) of subsection 2 of this section.

6. Nothing in this chapter shall be construed to invalidate or limit any law of the state or political subdivision of the state, or other jurisdiction in which this chapter shall be effective, that requires dwellings to be designed and constructed in a manner that affords persons with disabilities greater access than is required by this chapter.

7. Nothing in this section and sections 213.045 and 213.050 requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

8. Nothing in this section and sections 213.045 and 213.050 limits the applicability of any reasonable local or state restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision in this section and sections 213.045 and 213.050 regarding familial status apply with respect to housing for older persons.

9. As used in this section and sections 213.045 and 213.050, “housing for older persons” means housing:

(1) Provided under any state or federal program that the commission determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program;

(2) Intended for, and solely occupied by, persons sixty-two years of age or older; or

(3) Intended and operated for occupancy by at least one person fifty-five years of age or older per unit. In determining whether housing qualifies as housing for older persons under this subsection, the commission shall develop regulations which require at least the following factors:

(a) The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and

(b) That at least eighty percent of the units are occupied by at least one person fifty-five years of age or older per unit; and

(c) The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older.

10. Housing shall not fail to meet the requirements for housing for older persons by reason of:

(1) Persons residing in such housing as of August 28, 1992, who do not meet the age requirements of subdivision (2) or (3) of subsection 9 of this section, provided that new occupants of such housing meet the age requirements of subdivision (2) or (3) of subsection 9 of this section; or

(2) Unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of subdivision (2) or (3) of subsection 9 of this section.

11. Nothing in this section or section 213.045 or 213.050 shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance, as defined by section 195.010.

12. Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

13. Nothing in this chapter, other than the prohibitions against discriminatory advertising in subdivision (3) of subsection 1 of this section, shall apply to:

(1) The sale or rental of any single family house by a private individual owner, provided the following conditions are met:

(a) The private individual owner does not own or have any interest in more than three single family houses at any one time; and

(b) The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or

was not the most recent resident of the house prior to such sale, the exemption in this section applies to only one such sale in any twenty-four-month period; or

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.

213.045. It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity**, disability or familial status to a person applying therefor for the purpose of purchasing, construction, improving, repairing, or maintaining a dwelling, or to discriminate against [him] **such person** in fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity**, disability, or familial status of such person or of any person associated with [him] **such person** in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants, of the dwellings in relation to which such loan or other financial assistance is to be made or given.

213.050. It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service organization, or facility relating to the business of selling or renting dwellings, because of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity**, disability, or familial status.

213.055. 1. It shall be an unlawful employment practice:

(1) For an employer, because of the race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability of any individual:

(a) To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his **or her** compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability;

(b) To limit, segregate, or classify [his] **such person's** employees or [his] **such person's** employment applicants in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect [his] **such person's** status as an employee, because of such individual's race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability;

(2) For a labor organization to exclude or to expel from its membership any individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer because of race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability of any individual; or to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect [his] **such person's** status as an employee or as an applicant for employment, because of such individual's race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability; or for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual

because of [his] **such person's** race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability in admission to, or employment in, any program established to provide apprenticeship or other training;

(3) For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination, because of race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability unless based upon a bona fide occupational qualification or for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his or her race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age as it relates to employment, or disability, or to classify or refer for employment any individual because of his or her race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability.

2. Notwithstanding any other provision of this chapter, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences or such systems are not the result of an intention or a design to discriminate, and are not used to discriminate, because of race, color, religion, sex, **sexual orientation, gender identity**, national origin, ancestry, age or disability, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test, provided that such test, its administration, or action upon the results thereof, is not designed, intended or used to discriminate because of race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability.

3. Nothing contained in this chapter shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this chapter to grant preferential treatment to any individual or to any group because of the race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to or employed in any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability in any community, state, section, or other area, or in the available workforce in any community, state, section, or other area.

4. Notwithstanding any other provision of this chapter, it shall not be an unlawful employment practice for the state or any political subdivision of the state to comply with the provisions of 29 U.S.C. Section 623 relating to employment as firefighters or law enforcement officers.

213.065. 1. All persons within the jurisdiction of the state of Missouri are free and equal and shall be entitled to the full and equal use and enjoyment within this state of any place of public accommodation, as hereinafter defined, without discrimination or segregation because of race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, or disability.

2. It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from or deny any other person, or to attempt to refuse, withhold from or deny any other person, any of the accommodations, advantages, facilities, services, or privileges made available in any place of public accommodation, as defined in section 213.010 and this section, or to segregate or discriminate against any such person in the use thereof because of race, color, religion, national origin, sex, **sexual orientation**, **gender identity**, ancestry, or disability.

3. The provisions of this section shall not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association or society, or other establishment which is not in fact open to the public, unless the facilities of such establishments are made available to the customers or patrons of a place of public accommodation as defined in section 213.010 and this section.

213.070. 1. It shall be an unlawful discriminatory practice for an employer, employment agency, labor organization, or place of public accommodation:

(1) To aid, abet, incite, compel, or coerce the commission of acts prohibited under this chapter or to attempt to do so;

(2) To retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by this chapter or because such person has filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding or hearing conducted pursuant to this chapter;

(3) For the state or any political subdivision of this state to discriminate on the basis of race, color, religion, national origin, sex, **sexual orientation**, **gender identity**, ancestry, age, as it relates to employment, disability, or familial status as it relates to housing; or

(4) To discriminate in any manner against any other person because of such person's association with any person protected by this chapter.

2. This chapter, in addition to chapter 285 and chapter 287, shall provide the exclusive remedy for any and all claims for injury or damages arising out of an employment relationship.

213.101. 1. The provisions of this chapter shall be construed to accomplish the purposes thereof and any law inconsistent with any provision of this chapter shall not apply. Nothing contained in this chapter shall be deemed to repeal any of the provisions of any law of this state relating to discrimination because of race, color, religion, national origin, sex, **sexual orientation**, **gender identity**, ancestry, age, disability, or familial status.

2. The general assembly hereby expressly abrogates the case of *McBryde v. Ritenour School District*, 207 S.W.3d 162 (Mo.App. E.D. 2006), and its progeny as it relates to the necessity and appropriateness of the issuance of a business judgment instruction. In all civil actions brought under this chapter, a jury shall be given an instruction expressing the business judgment rule.

3. If an employer in a case brought under this chapter files a motion pursuant to rule 74.04 of the Missouri rules of civil procedure, the court shall consider the burden-shifting analysis of *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973), and its progeny to be highly persuasive for analysis in cases not involving direct evidence of discrimination.

4. The general assembly hereby expressly abrogates by this statute the cases of *Daugherty v. City of Maryland Heights*, 231 S.W.3d 814 (Mo. 2007) and its progeny as they relate to the contributing factor standard and abandonment of the burden-shifting framework established in *McDonnell Douglas Corp. v.*



Green, 411 U.S. 792 (1973).

5. The general assembly hereby expressly abrogates by this statute the holding in *Hurst v. Kansas City Mo. School District*, 437 S.W.3d 327 (Mo.App. W.D. 2014), that Missouri Approved Instruction 19.01 may be applied to actions brought pursuant to this chapter, and the holding in *Thomas v. McKeever's Enterprises, Inc.*, 388 S.W.3d 206 (Mo.App. W.D. 2012), that juries shall not be instructed that plaintiffs bear the burden of establishing “but for” causation in actions brought pursuant to this chapter.

6. The general assembly hereby abrogates all Missouri-approved jury instructions specifically addressing civil actions brought under this chapter which were in effect prior to August 28, 2017.”; and

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above amendment be adopted.

Senator Luetkemeyer raised the point of order that **SA 2** is out of order, as it goes beyond the scope and title of the bill. The point of order was referred to the President Pro Tem.

At the request of Senator Luetkemeyer, the point of order was withdrawn.

At the request of Senator Luetkemeyer, **SB 154**, with **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

Senator Onder moved that **SB 197**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 197**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 197

An Act to repeal section 311.198, RSMo, and to enact in lieu thereof one new section relating to portable refrigeration units.

Was taken up.

Senator Onder moved that **SCS** for **SB 197** be adopted.

Senator Onder offered **SS** for **SCS** for **SB 197**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 197

An Act to repeal sections 311.198 and 311.300, RSMo, and to enact in lieu thereof two new sections relating to intoxicating liquor.

Senator Onder moved that **SS** for **SCS** for **SB 197** be adopted.

Senator Burlison offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 197, Page 4, Section 311.300, Line 19, by striking all of said line and inserting in lieu thereof the following: “**supervised by a delivery vehicle driver who is twenty-one years**”.

Senator Burlison moved that the above amendment be adopted, which motion prevailed.

Senator Onder moved that **SS** for **SCS** for **SB 197**, as amended, be adopted, which motion prevailed.

On motion of Senator Onder, **SS** for **SCS** for **SB 197**, as amended, was declared perfected and ordered printed.

### **REPORTS OF STANDING COMMITTEES**

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 90**; **SB 36**; and **SB 134**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### **RESOLUTIONS**

Senator Romine offered Senate Resolution No. 293, regarding Linda Kemp, Annapolis, which was adopted.

Senator Romine offered Senate Resolution No. 294, regarding Virginia Queen, Ironton, which was adopted.

Senators Schupp and Williams offered Senate Resolution No. 295, regarding Andrew Rehfeld, Ph.D., which was adopted.

Senator Bernskoetter offered Senate Resolution No. 296, regarding Master Mason George Shelley, which was adopted.

Senator Schupp offered Senate Resolution No. 297, regarding Kathryn Flemming, Creve Coeur, which was adopted.

Senator Schupp offered Senate Resolution No. 298, regarding Lauren Vanlandingham, Ladue, which was adopted.

Senator Sater offered Senate Resolution No. 299, regarding First State Bank of Purdy, Monett, which was adopted.

Senator Sater offered Senate Resolution No. 300, regarding Jon Suit, Monett, which was adopted.

Senator Cunningham offered Senate Resolution No. 301, regarding Anna Mayberry, West Plains, which was adopted.

Senator Koenig offered Senate Resolution No. 302, regarding John Robert Morse, St. Louis, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Rowden introduced to the Senate, Mike and Carole Randerson, Columbia; and Scott and Mindy Hovis, and their son, Hunter, Jefferson City; and Hunter was made an honorary page.

Senator May introduced to the Senate, Nicholas Morgan, Brooklyn, New York.

Senator Williams introduced to the Senate, Sharon Bahr, and her granddaughter, Ava Schrier, University City; and Shelly Mullins, St. Charles; and Ava was made an honorary page.

Senator Williams introduced to the Senate, Coro Fellow Jamie Neikrie, St. Louis.

Senator Schupp introduced to the Senate, Linda Fehrmann, Cottleville.

Senator Nasheed introduced to the Senate, Barbara Taylor, St. Louis.

Senator Eigel introduced to the Senate, Roy Sykes, St. Peters; and Peggy Whalen, St. Charles.

Senator Crawford introduced to the Senate, her husband, John, Buffalo; and Charlee and Karen Stokes, Hickory County.

Senator White introduced to the Senate, Daniel and Lisa Bechdoldt, Neosho.

Senator Wallingford introduced to the Senate, Coro Fellow Cassidy Schwartz, Munster, Indiana.

Senator Rowden introduced to the Senate, Lauren Ross, and Becca, Jacob and Caleb Pamperl, Columbia.

On behalf of Senator Schatz, the President introduced to the Senate, Kennedy Roach, Owensville; and Kennedy was made an honorary page.

Senator Schupp introduced to the Senate, Carol Cantor and Kelly Perkins, St. Louis County.

Senator Cunningham introduced to the Senate, Anna Liese, and her son, Christopher, Maryland Heights; and Christopher was made an honorary page.

Senator Williams introduced to the Senate, Dr. John Holds, Clayton.

Senator Hoskins introduced to the Senate, his wife, Michelle, Warrensburg.

Senator Sater introduced to the Senate, Luke Barnett, Coy Greenwood, Dakota Nichols, Kala Lafferty, Sarah Jenkins, Liz Lieverich, Lucas Burchfield, Jake Hefley, Whitney Howerton, Lindsey Orphan and Jake Cartwright, College of the Ozarks.

Senator Onder introduced to the Senate, Sarah and Josiah Stiger, Wentzville.

Senator Cunningham introduced to the Senate, Charlie and Susan Brooks, DyAnna Shaver and Stan Coday, Wright County.

Senator Williams introduced to the Senate, Illinois State Senator James Clayborne, Jr.

On behalf of Senator Cunningham and himself, the President introduced to the Senate, Emma Alexander, and her son, Lucas, Fordland.

Senator Schatz introduced to the Senate, the Physician of the Day, Steven M. Shields, M.D., FACS, Chesterfield.

On motion of Senator Rowden, the Senate adjourned under the rules.

## SENATE CALENDAR

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TWENTY-FIFTH DAY—THURSDAY, FEBRUARY 21, 2019

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 334-Onder  
SB 335-Onder

SB 336-Schupp  
SB 337-Wieland

SB 338-Wieland	SB 383-Emery
SB 339-Wieland	SB 384-Schupp
SB 340-Wieland	SB 385-Bernskoetter
SB 341-Wieland	SB 386-O'Laughlin
SB 342-Curls	SB 387-Hough
SB 343-Eigel	SB 388-Burlison, et al
SB 344-Eigel	SB 389-Burlison
SB 345-Koenig, et al	SB 390-Wallingford
SB 346-Schupp	SB 391-Bernskoetter
SB 347-Burlison	SB 392-Wieland
SB 348-O'Laughlin	SB 393-Hough
SB 349-O'Laughlin	SB 394-O'Laughlin
SB 350-O'Laughlin	SB 395-Rizzo
SB 351-Williams	SB 396-Onder
SB 352-Williams	SB 397-White
SB 353-Emery	SB 398-White
SB 354-Cierpiot	SB 399-Burlison
SB 355-Cierpiot	SB 400-Burlison
SB 356-Bernskoetter	SB 401-Burlison
SB 357-Sater	SB 402-Eigel
SB 358-Sater	SB 403-Eigel
SB 359-Eigel	SB 404-Nasheed
SB 360-Crawford	SB 405-Wallingford
SB 361-Riddle	SB 406-Wallingford
SB 362-Riddle	SB 407-Wallingford
SB 363-Riddle	SB 408-May
SB 364-Williams	SB 409-Wieland, et al
SB 365-Hoskins	SB 410-Koenig
SB 366-Hoskins	SB 411-Romine
SB 367-Burlison	SB 412-Holsman
SB 368-Hough	SB 413-Sater
SB 369-Brown	SB 414-Wieland
SB 370-Brown	SB 415-Bernskoetter
SB 371-Eigel	SB 416-Bernskoetter
SB 372-Hoskins	SB 417-White
SB 373-Schupp	SB 418-White
SB 374-Burlison	SB 419-Riddle
SB 375-Riddle	SB 420-Riddle
SB 376-Riddle	SB 421-Wallingford
SB 377-Riddle	SJR 16-Sifton
SB 378-Hough	SJR 18-Cunningham
SB 379-Romine	SJR 20-Koenig
SB 380-Hough	SJR 21-May
SB 381-Onder	SJR 22-Nasheed
SB 382-Emery	

HOUSE BILLS ON SECOND READING

HCS for HB 67  
HB 445-Dogan  
HB 188-Rehder  
HB 182-Shull  
HB 280-Ruth  
HB 108-Sommer  
HB 72-Tate

HCS for HB 185  
HCS for HB 255  
HB 214-Trent  
HB 77-Black  
HCS for HB 447  
HCS for HBs 243 & 544  
HB 283-Anderson

THIRD READING OF SENATE BILLS

SS for SCS for SB 28-Hegeman  
SB 21-Libla  
SCS for SB 90-Libla

SB 36-Riddle  
SB 134-Wallingford

SENATE BILLS FOR PERFECTION

SB 72-O'Laughlin and Emery  
SBs 46 & 50-Koenig, with SCS  
SB 53-Crawford  
SB 196-Bernskoetter

SB 182-Cierpiot, et al  
SB 57-Cierpiot  
SB 133-Cunningham  
SB 194-Hoskins, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 4-Sater  
SB 7-Emery  
SB 14-Wallingford  
SB 16-Romine, with SCS, SS for SCS, SA 3  
& point of order (pending)  
SB 30-Hegeman, with SCS  
SB 39-Onder

SB 44-Hoskins, with SCS & SS for SCS  
(pending)  
SB 49-Rowden, with SCS  
SB 56-Cierpiot, with SCS, SA 1 & SA 1 to  
SA 1 (pending)  
SB 154-Luetkemeyer, with SS & SA 2 (pending)  
SB 160-Koenig, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 131-Emery, with SCS  
SB 103-Schupp

SB 54-Crawford

## Reported 2/14

SB 83-Cunningham, with SCS  
SB 179-Cunningham

SB 164-Schupp  
SB 84-Cunningham

## RESOLUTIONS

SR 20-Holsman

## Reported from Committee

SCR 4-Curls, et al  
SCR 5-Wallingford  
SCR 6-Schupp

SCR 10-Rowden  
SCR 12-Sater  
SCR 14-Schatz

## To be Referred

SCR 20-Holsman

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# Journal of the Senate

## FIRST REGULAR SESSION

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**TWENTY-FIFTH DAY—THURSDAY, FEBRUARY 21, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“There is no Holy One like the Lord, no one besides you; there is no rock like our God.” (1Samuel 2:2)

Holy God, You give us life and speech and a sense of security for there is no one like You our God. Direct our efforts this day as we complete this week’s work. Be with us as we travel home arriving safely to be with those You have given us to love. And we pray, O Lord, that You will be present with Senator Brown as his wife goes through surgery today. We pray You will guide the hands of the surgeon and those who take care of her. And we ask that Your healing spirit flows through every cell in her body and restores her health and strength. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Burlison	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

Absent—Senators—None

Absent with leave—Senators

Brown                Nasheed —2

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senators Curls and Walsh offered Senate Resolution No. 303, regarding the Sixty-third Anniversary of Midwest District Association of Churches, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 304, regarding Opie's Transport Inc., which was adopted.

Senator Rowden offered Senate Resolution No. 305, regarding the One Hundredth Birthday of Leo Roberts, Columbia, which was adopted.

## INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 422**—By White.

An Act to repeal sections 426.010, 426.020, 426.030, 426.040, 426.050, 426.060, 426.070, 426.080, 426.090, 426.100, 426.110, 426.120, 426.130, 426.140, 426.150, 426.160, 426.170, 426.180, 426.190, 426.200, 426.210, 426.220, 426.230, 426.240, 426.250, 426.260, 426.270, 426.280, 426.290, 426.300, 426.310, 426.320, 426.330, 426.340, 426.350, 426.360, 426.370, 426.380, 426.390, 426.400, and 426.410, RSMo, and to enact in lieu thereof forty-eight new sections relating to the assignment of benefits for creditors.

**SB 423**—By Cunningham.

An Act to repeal section 190.092, RSMo, and to enact in lieu thereof one new section relating to automated external defibrillators.

**SB 424**—By Luetkemeyer.

An Act to repeal section 140.190, RSMo, and to enact in lieu thereof eighteen new sections relating to land banks, with penalty provisions.

**SB 425**—By Cierpiot.

An Act to repeal sections 640.710, 640.715, and 644.051, RSMo, and to enact in lieu thereof four new sections relating to concentrated animal feeding operations.

**SB 426**—By Williams.

An Act to repeal sections 209.625 and 472.010, RSMo, and to enact in lieu thereof two new sections relating to the Missouri ABLE program.

**SB 427**—By Wieland.

An Act to repeal section 571.101, RSMo, and to enact in lieu thereof one new section relating to the concealed carry permit system, with existing penalty provisions.

**SB 428**—By Hough.

An Act to amend chapter 590, RSMo, by adding thereto one new section relating to hospital patients in law enforcement custody.



**SB 429**—By Wallingford.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a sales and use tax exemption for certain building materials.

Senator Rowden announced photographers from KOMU-TV were given permission to take pictures in the Senate Chamber.

President Pro Tem Schatz assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **SB 76**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Emery, Chairman of the Committee on Government Reform, submitted the following reports:

Mr. President: Your Committee on Government Reform, to which was referred **SB 132**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **SB 65**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **SB 100**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **SB 69**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Libla, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following report:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 147**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Wallingford, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 291**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wieland, Chairman of the Committee on Insurance and Banking, submitted the following reports:

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 267**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 252**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 167**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Onder, Chairman of the Committee on Health and Pensions, submitted the following report:

Mr. President: Your Committee on Health and Pensions, to which was referred **SB 45**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Eigel, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 292**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 11**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 213**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 197**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Cierpiot, Chairman of the Committee on Economic Development, submitted the following report:

Mr. President: Your Committee on Economic Development, to which was referred **SB 184**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto

attached, do pass.

Senator White, Chairman of the Committee on Veterans and Military Affairs, submitted the following reports:

Mr. President: Your Committee on Veterans and Military Affairs, to which was referred **SB 283**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Veterans and Military Affairs, to which was referred **SB 180**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Hoskins, Chairman of the Committee on Small Business and Industry, submitted the following report:

Mr. President: Your Committee on Small Business and Industry, to which was referred **SB 10**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Luetkemeyer, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 224**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 12** and **SB 123**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 9**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SJR 2**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Kehoe assumed the Chair.

### **THIRD READING OF SENATE BILLS**

**SS for SCS for SB 28**, introduced by Senator Hegeman, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 28**

An Act to repeal sections 135.350 and 135.352, RSMo, and to enact in lieu thereof two new sections

realting to low-income housing tax credits.

Was taken up.

On motion of Senator Hegeman, **SS** for **SCS** for **SB 28** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Burlison	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	O’Laughlin	Onder	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senator—None

Absent with leave—Senators

Brown	Nasheed	Riddle—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 21**, introduced by Senator Libla, entitled:

An Act to repeal sections 94.510, 94.900, and 94.902, RSMo, and to enact in lieu thereof three new sections relating to local sales taxes, with an emergency clause for a certain section.

Was taken up.

On motion of Senator Libla, **SB 21** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Cierpiot	Crawford	Cunningham	Curls	Hegeman
Holsman	Hoskins	Hough	Libla	Luetkemeyer	May	O’Laughlin
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—26		

NAYS—Senators

Burlison	Eigel	Emery	Koenig	Onder—5
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Absent—Senators—None

Absent with leave—Senators

Brown Nasheed Riddle—3

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Cierpiot	Crawford	Cunningham	Curls	Emery
Hegeman	Holsman	Hoskins	Hough	Libla	Luetkemeyer	May
O’Laughlin	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—27	

NAYS—Senators

Burlison Eigel Koenig Onder—4

Absent—Senators—None

Absent with leave—Senators

Brown Nasheed Riddle—3

Vacancies—None

On motion of Senator Libla, title to the bill was agreed to.

Senator Libla moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SCS for SB 90**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 90

An Act to repeal sections 288.040, 288.130, 288.160, and 288.245, RSMo, and to enact in lieu thereof five new sections relating to employment security.

Was taken up by Senator Libla.

On motion of Senator Libla, **SCS for SB 90** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Burlison	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	O’Laughlin	Onder	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Brown Nasheed Riddle—3

Vacancies—None

The President declared the bill passed.

On motion of Senator Libla, title to the bill was agreed to.

Senator Libla moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 36** was placed on the Informal Calendar.

**SB 134**, introduced by Senator Wallingford, entitled:

An Act to repeal section 260.240, RSMo, and to enact in lieu thereof one new section relating to solid waste penalty assessments.

Was taken up.

On motion of Senator Wallingford, **SB 134** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bernskoetter	Burlison	Cierpiot	Crawford	Cunningham	Curls	Eigel
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	O’Laughlin	Onder	Rizzo	Romine	Rowden
Sater	Schatz	Sifton	Wallingford	Walsh	White	Wieland

Williams—29

NAYS—Senators

Arthur Schupp—2

Absent—Senators—None

Absent with leave—Senators

Brown Nasheed Riddle—3

Vacancies—None

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### CONCURRENT RESOLUTIONS

Senator Wallingford moved that **SCR 5**, be taken up for adoption, which motion prevailed.

On motion of Senator Wallingford, **SCR 5** was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Burlison	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	O’Laughlin	Onder	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Brown	Nasheed	Riddle—3
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Vacancies—None

Senator Rowden moved that **SCR 10** be taken up for adoption, which motion prevailed.

On motion of Senator Rowden, **SCR 10** was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Burlison	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	O’Laughlin	Onder	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Brown	Nasheed	Riddle—3
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Vacancies—None

Senator Sater moved that **SCR 12** be taken up for adoption, which motion prevailed.

On motion of Senator Sater, **SCR 12** was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Burlison	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	O’Laughlin	Onder	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Brown                      Nasheed                      Riddle—3

Vacancies—None

Senator Schupp moved that **SCR 6** be taken up for adoption, which motion prevailed.

On motion of Senator Schupp, **SCR 6** was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Burlison	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	O’Laughlin	Onder	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Brown                      Nasheed                      Riddle—3

Vacancies—None

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 324**, entitled:

An Act to amend chapters 217 and 632, RSMo, by adding thereto two new sections relating to the offense of unlawful use of unmanned aircraft, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 113**, entitled:

An Act to amend chapter 558, RSMo, by adding thereto one new section relating to minimum terms of imprisonment.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.



Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 321**, entitled:

An Act to repeal section 347.048, RSMo, and to enact in lieu thereof one new section relating to limited liability companies.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 402**, entitled:

An Act to repeal sections 300.155 and 304.281, RSMo, and to enact in lieu thereof two new sections relating to traffic control signals, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 242**, entitled:

An Act to repeal sections 58.095, 58.451, 58.720, 193.145, and 193.265, RSMo, and to enact in lieu thereof seven new sections relating to death investigations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## **SECOND READING OF SENATE BILLS**

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

**SB 334**—Judiciary and Civil and Criminal Jurisprudence.

**SB 335**—Health and Pensions.

**SB 336**—Professional Registration.

**SB 337**—Insurance and Banking.

**SB 338**—Health and Pensions.

**SB 339**—Insurance and Banking.

**SB 340**—General Laws.

**SB 341**—Health and Pensions.

- SB 342**—Transportation, Infrastructure and Public Safety.
- SB 343**—General Laws.
- SB 344**—General Laws.
- SB 345**—Health and Pensions.
- SB 346**—Insurance and Banking.
- SB 347**—Insurance and Banking.
- SB 348**—Government Reform.
- SB 349**—Government Reform.
- SB 350**—Small Business and Industry.
- SB 351**—Education.
- SB 352**—Professional Registration.
- SB 353**—Health and Pensions.
- SB 354**—Small Business and Industry.
- SB 355**—Economic Development.
- SB 356**—Agriculture, Food Production and Outdoor Resources.
- SB 357**—Health and Pensions.
- SB 358**—Education.
- SB 359**—Transportation, Infrastructure and Public Safety.
- SB 360**—Seniors, Families and Children.
- SB 361**—Seniors, Families and Children.
- SB 362**—Health and Pensions.
- SB 363**—Transportation, Infrastructure and Public Safety.
- SJR 16**—Local Government and Elections.
- SJR 18**—Transportation, Infrastructure and Public Safety.
- SJR 20**—Ways and Means.
- SJR 21**—Local Government and Elections.

#### **HOUSE BILLS ON SECOND READING**

The following Bill was read the 2nd time and referred to the Committee indicated:

**HCS for HB 67**—Judiciary and Civil and Criminal Jurisprudence.

#### **RE-REFERRALS**

President Pro Tem Schatz re-referred **SB 3** to the Committee on Progress and Development.

**INTRODUCTIONS OF GUESTS**

Senator Williams introduced to the Senate, the Physician of the Day, Damien Ricklis, University City.

Senator Libla introduced to the Senate, Jackie Roach Hart, Poplar Bluff; Denise Shoemaker and Paula Fowler, Piedmont; and Michelle Phillips, Neelyville.

Senator Eigel introduced to the Senate, Assistant Chief Kelly Cope, St. Charles County Ambulance District; and Assistant Chief Skip Stephens, Cottleville Fire Protection District.

Senator White introduced to the Senate, Mende Staggs, and her sons, Corin and Cai, Carthage; and Bethany Carter and Lucas Luevano, Goodman.

Senator Schatz introduced to the Senate, his wife, Chara, Sullivan.

Senator Rowden introduced to the Senate, Head Football Coach Barry Odom and Head Basketball Coach Robin Pingeton, University of Missouri-Columbia.

Senator Wallingford introduced to the Senate, Jayme Reese, and sixteen students from Prodigy Leadership Academy, Cape Girardeau.

On motion of Senator Rowden, the Senate adjourned until 4:00 p.m., Monday, February 25, 2019.

**SENATE CALENDAR**  

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TWENTY-SIXTH DAY—MONDAY, FEBRUARY 25, 2019

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**FORMAL CALENDAR****SECOND READING OF SENATE BILLS**

SB 364-Williams  
SB 365-Hoskins  
SB 366-Hoskins  
SB 367-Burlison  
SB 368-Hough  
SB 369-Brown  
SB 370-Brown  
SB 371-Eigel  
SB 372-Hoskins  
SB 373-Schupp  
SB 374-Burlison  
SB 375-Riddle

SB 376-Riddle  
SB 377-Riddle  
SB 378-Hough  
SB 379-Romine  
SB 380-Hough  
SB 381-Onder  
SB 382-Emery  
SB 383-Emery  
SB 384-Schupp  
SB 385-Bernskoetter  
SB 386-O'Laughlin  
SB 387-Hough

SB 388-Burlison, et al  
 SB 389-Burlison  
 SB 390-Wallingford  
 SB 391-Bernskoetter  
 SB 392-Wieland  
 SB 393-Hough  
 SB 394-O'Laughlin  
 SB 395-Rizzo  
 SB 396-Onder  
 SB 397-White  
 SB 398-White  
 SB 399-Burlison  
 SB 400-Burlison  
 SB 401-Burlison  
 SB 402-Eigel  
 SB 403-Eigel  
 SB 404-Nasheed  
 SB 405-Wallingford  
 SB 406-Wallingford  
 SB 407-Wallingford  
 SB 408-May  
 SB 409-Wieland, et al

SB 410-Koenig  
 SB 411-Romine  
 SB 412-Holsman  
 SB 413-Sater  
 SB 414-Wieland  
 SB 415-Bernskoetter  
 SB 416-Bernskoetter  
 SB 417-White  
 SB 418-White  
 SB 419-Riddle  
 SB 420-Riddle  
 SB 421-Wallingford  
 SB 422-White  
 SB 423-Cunningham  
 SB 424-Luetkemeyer  
 SB 425-Cierpiot  
 SB 426-Williams  
 SB 427-Wieland  
 SB 428-Hough  
 SB 429-Wallingford  
 SJR 22-Nasheed

#### HOUSE BILLS ON SECOND READING

HB 445-Dogan  
 HB 188-Rehder  
 HB 182-Shull  
 HB 280-Ruth  
 HB 108-Sommer  
 HB 72-Tate  
 HCS for HB 185  
 HCS for HB 255  
 HB 214-Trent

HB 77-Black  
 HCS for HB 447  
 HCS for HBs 243 & 544  
 HB 283-Anderson  
 HCS for HB 324  
 HB 113-Smith  
 HB 321-Solon  
 HB 402-Basye  
 HCS for HB 242

#### THIRD READING OF SENATE BILLS

SS for SCS for SB 197-Onder

SENATE BILLS FOR PERFECTION

- |                                  |                                       |
|----------------------------------|---------------------------------------|
| 1. SB 72-O'Laughlin and Emery    | 15. SB 252-Wieland, with SCS          |
| 2. SBs 46 & 50-Koenig, with SCS  | 16. SB 167-Crawford, with SCS         |
| 3. SB 53-Crawford                | 17. SB 45-Hoskins, with SCS           |
| 4. SB 196-Bernskoetter           | 18. SB 292-Eigel, with SCS            |
| 5. SB 182-Cierpiot, et al        | 19. SB 213-Hegeman                    |
| 6. SB 57-Cierpiot                | 20. SB 184-Wallingford, with SCS      |
| 7. SB 133-Cunningham             | 21. SB 283-Hoskins                    |
| 8. SB 194-Hoskins, with SCS      | 22. SB 180-Wallingford, with SCS      |
| 9. SB 76-Sater, with SCS         | 23. SB 10-Cunningham, with SCS        |
| 10. SB 132-Emery, with SCS       | 24. SB 224-Luetkemeyer                |
| 11. SB 65-White                  | 25. SBs 12 & 123-Cunningham, with SCS |
| 12. SB 100-Riddle                | 26. SB 9-Emery, with SCS              |
| 13. SB 69-Hough                  | 27. SJR 2-Emery, with SCS             |
| 14. SB 291-Wallingford, with SCS |                                       |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 36-Riddle

SENATE BILLS FOR PERFECTION

- |  |  |
|--|--|
| SB 4-Sater                               | SB 44-Hoskins, with SCS & SS for SCS         |
| SB 7-Emery                               | (pending)                                    |
| SB 14-Wallingford                        | SB 49-Rowden, with SCS                       |
| SB 16-Romine, with SCS, SS for SCS, SA 3 | SB 56-Cierpiot, with SCS, SA 1 & SA 1 to     |
| & point of order (pending)               | SA 1 (pending)                               |
| SB 30-Hegeman, with SCS                  | SB 154-Luetkemeyer, with SS & SA 2 (pending) |
| SB 39-Onder                              | SB 160-Koenig, with SCS                      |

CONSENT CALENDAR

Senate Bills

Reported 2/7

- |                        |                |
|------------------------|----------------|
| SB 131-Emery, with SCS | SB 54-Crawford |
| SB 103-Schupp          |                |

## Reported 2/14

SB 83-Cunningham, with SCS  
SB 179-Cunningham

SB 164-Schupp  
SB 84-Cunningham

## Reported 2/21

SB 147-Sater, with SCS

SB 267-Wieland, with SCS

## RESOLUTIONS

SR 20-Holsman

## Reported from Committee

SCR 4-Curls, et al  
SCR 11-Hough

SCR 14-Schatz

## To be Referred

SCR 20-Holsman

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# Journal of the Senate

## FIRST REGULAR SESSION

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**TWENTY-SIXTH DAY—MONDAY, FEBRUARY 25, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“The God who has girded me with strength has opened wide my path.” (2 Samuel 22:33)

We thank You Lord for bringing us to this new day and the brightness of the morning as we made our way to this place. We call to You and You hear our request so that what we do this day and new week are as You would desire us to complete. We are ready to help our colleagues and those who come to us for assistance. Let us always be among those who do what is needful without delay. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 21, 2019 was read and approved.

The following Senators were present during the day’s proceedings:

**Present—Senators**

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Nasheed —1

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senators O’Laughlin and Hegeman offered Senate Resolution No. 306, regarding Adair County SB40

Developmental Disability Board, which was adopted.

Senator Riddle offered Senate Resolution No. 307, regarding the Forty-fifth Wedding Anniversary of Howard and Leota Shoemyer, which was adopted.

Senator Burlison offered Senate Resolution No. 308, regarding Eagle Scout Quinten Milligan, Ozark, which was adopted.

Senator White offered Senate Resolution No. 309, regarding Joplin High School Army Junior Reserve Officer Training Corps, which was adopted.

Senator Crawford offered Senate Resolution No. 310, regarding Class 1 State Champion Lebanon High School Lady Wrestling Yellowjackets, which was adopted.

Senator Hoskins offered Senate Resolution No. 311, regarding Jamie Straisinger, Warrensburg, which was adopted.

Senator Holsman offered the following resolution:

SENATE RESOLUTION NO. 312

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the 7th District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the One-hundredth General Assembly, First Regular Session, that Senate Rule 91, be amended to read as follows:

Rule 91. Every senator who is within the bar of the senate when a question is put shall assume his or her seat, and shall vote when his or her name is called unless the [senate] **senator**, for special reasons, excuses [him or her] **himself or herself from voting**. [All motions to excuse a senator] **A senator shall seek to excuse himself or herself** from voting [shall be made] before the senate divides, or before the call for yeas and nays is commenced. In taking the yeas and nays, each senator shall declare distinctly his or her vote yea or nay. In the event a senator within the chamber refuses to cast his or her vote, then, at the direction of the president, he or she shall be removed from the chamber and such action noted in the Journal.

Senator Riddle offered Senate Resolution No. 313, regarding Trevor Bodine, which was adopted.

## INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

**SB 430**—By Libla.

An Act to repeal section 142.803, RSMo, and to enact in lieu thereof one new section relating to motor fuel taxes, with an emergency clause.

**SB 431**—By Schatz.

An Act to repeal sections 311.660, 311.710, 311.720, 313.004, 313.255, 572.010, and 572.100, RSMo, and to enact in lieu thereof seven new sections relating to illegal gambling, with existing penalty provisions.

**SB 432**—By Sifton.

An Act to repeal section 208.146, RSMo, and to enact in lieu thereof one new section relating to the ticket to work health assurance program.

**SB 433**—By Onder.

An Act to repeal section 556.061, RSMo, and to enact in lieu thereof two new sections relating to the



offense of vehicle hijacking, with penalty provisions.

**SB 434**—By Riddle.

An Act to repeal section 217.195, RSMo, and to enact in lieu thereof one new section relating to the inmate canteen fund.

**SB 435**—By White.

An Act to repeal section 192.667, RSMo, and to enact in lieu thereof one new section relating to infection control data reporting, with existing penalty provisions.

**SB 436**—By Hoskins.

An Act to repeal section 571.010, RSMo, and to enact in lieu thereof one new section relating to fugitives from justice.

**SB 437**—By Hoskins.

An Act to repeal section 68.040, RSMo, and to enact in lieu thereof one new section relating to bonds issued by certain port authorities.

**SB 438**—By Brown.

An Act to repeal section 208.918, RSMo, and to enact in lieu thereof one new section relating to consumer-directed services vendors.

**SB 439**—By Brown.

An Act to repeal section 30.753, RSMo, and to enact in lieu thereof one new section relating to investments in linked deposits by the state treasurer.

**SB 440**—By Brown.

An Act to repeal section 210.565, RSMo, and to enact in lieu thereof one new section relating to foster home placement.

**SB 441**—By Hough.

An Act to repeal sections 208.152 and 208.906, RSMo, and to enact in lieu thereof three new sections relating to MO HealthNet home and community-based services.

**SB 442**—By Wieland.

An Act to repeal section 407.292, RSMo, and to enact in lieu thereof one new section relating to buyers of precious metals, with penalty provisions.

**SJR 23**—By Eigel.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2, 3, 7, and 19 of article III of the Constitution of Missouri, and adopting four new sections in lieu thereof relating to regulating the legislature to limit the influence of partisan or other special interests.

**SJR 24**—By Cierpiot.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the

Constitution of Missouri, by adding thereto one new section relating to voter turnout thresholds for tax increases.

### REFERRALS

President Pro Tem Schatz referred **SCR 20** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### SENATE BILLS FOR PERFECTION

Senator O’Laughlin moved that **SB 72** be taken up for perfection, which motion prevailed.

On motion of Senator O’Laughlin, **SB 72** was declared perfected and ordered printed.

At the request of Senator Koenig, **SB 46** and **SB 50**, with SCS, was placed on the Informal Calendar.

Senator Crawford moved that **SB 53** be taken up for perfection, which motion prevailed.

Senator Sater offered **SA 1**:

### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 53, Page 2, Section 54.140, Line 22, by inserting after all of said line the following:

“64.805. The county planning commission shall consist of the county highway engineer, and one resident of the county appointed by the county commission, from the unincorporated part of each township in the county, except that no such person shall be appointed from a township in which there is no unincorporated area. The township representatives are hereinafter referred to as appointed members. The term of each appointed member shall be four years or until a successor takes office, except that the terms shall be overlapping and that the respective terms of the members first appointed may be less than four years. The term of the county highway engineer shall be only for the duration of the engineer's tenure of official position. All members of the county planning commission shall serve as such without compensation, except that an attendance fee as reimbursement for expenses may be paid to the appointed members of the county planning commission in an amount, as set by the county commission, not to exceed [twenty-five] **thirty-five** dollars per meeting. The planning commission shall elect its chairman, who shall serve for one year.”; and

Further amend the title and enacting clause accordingly.

Senator Sater moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Crawford, **SB 53**, as amended, was declared perfected and ordered printed.

Senator Bernskoetter moved that **SB 196** be taken up for perfection, which motion prevailed.

On motion of Senator Bernskoetter, **SB 196** was declared perfected and ordered printed.

Senator Cierpiot moved that **SB 182** be taken up for perfection, which motion prevailed.

On motion of Senator Cierpiot, **SB 182** was declared perfected and ordered printed.

Senator Cierpiot moved that **SB 57** be taken up for perfection, which motion prevailed.

At the request of Senator Cierpiot, **SB 57** was placed on the Informal Calendar.

Senator Cunningham moved that **SB 133** be taken up for perfection, which motion prevailed.

On motion of Senator Cunningham, **SB 133** was declared perfected and ordered printed.

### THIRD READING OF SENATE BILLS

**SB 36**, introduced by Senator Riddle, entitled:

An Act to repeal section 339.190, RSMo, and to enact in lieu thereof one new section relating to real estate licensees.

Was taken up.

Pursuant to Senate Rule 91, Senator Holsman requested unanimous consent of the Senate to be excused from voting on the 3rd reading of **SB 36**, which request was granted.

On motion of Senator Riddle, **SB 36** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer
O’Laughlin	Onder	Riddle	Rizzo	Rowden	Sater	Schatz
Schupp	Sifton	Wallingford	Walsh	White	Wieland	Williams—28

#### NAYS—Senators

Curls	Libla	May	Romine—4
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Absent—Senators—None

Absent with leave—Senator Nasheed—1

Excused from voting—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### SENATE BILLS FOR PERFECTION

Senator Hoskins moved that **SB 194**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 194**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 194

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to the offense of unlawful use of unmanned aircraft near a correctional center, with penalty provisions.

Was taken up.

Senator Hoskins moved that **SCS** for **SB 194** be adopted.

Senator Hoskins offered **SS** for **SCS** for **SB 194**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 194

An Act to amend chapters 217 and 632, RSMo, by adding thereto two new sections relating to the unlawful use of unmanned aircraft, with penalty provisions.

Senator Hoskins moved that **SS** for **SCS** for **SB 194** be adopted.

At the request of Senator Hoskins, **SB 194**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 303**, entitled:

An Act to repeal section 217.195, RSMo, and to enact in lieu thereof two new sections relating to inmate canteen funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 70**, entitled:

An Act to repeal section 221.111, RSMo, and to enact in lieu thereof one new section relating to the offense of possession of unlawful items in a prison or jail, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 461**, entitled:

An Act to repeal sections 36.020, 193.145, 193.265, and 194.119, RSMo, and to enact in lieu thereof four new sections relating to the disposition of human remains.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 239**, entitled:

An Act to repeal sections 579.065 and 579.068, RSMo, and to enact in lieu thereof two new sections relating to controlled substance offenses, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 354**, entitled:

An Act to repeal sections 409.605, 409.610, 409.615, 409.620, 409.625, 409.630, 409.4-412, 409.5-501, and 409.6-604, RSMo, and to enact in lieu thereof nine new sections relating to the financial protection of vulnerable populations, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 441**, entitled:

An Act to repeal section 337.068, RSMo, and to enact in lieu thereof one new section relating to prisoner complaints against a psychologist's license.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 138**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to life-sustaining treatment policies of health care facilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **REPORTS OF STANDING COMMITTEES**

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 182**; **SB 53**; **SB 196**; **SB 133**; and **SB 72**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### **INTRODUCTIONS OF GUESTS**

Senator White introduced to the Senate, Chris Yaudas, Joplin; and Carrie Cline, Neosho.

On motion of Senator Rowden, the Senate adjourned under the rules.

## SENATE CALENDAR

TWENTY-SEVENTH DAY—TUESDAY, FEBRUARY 26, 2019

## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 364-Williams	SB 394-O'Laughlin
SB 365-Hoskins	SB 395-Rizzo
SB 366-Hoskins	SB 396-Onder
SB 367-Burlison	SB 397-White
SB 368-Hough	SB 398-White
SB 369-Brown	SB 399-Burlison
SB 370-Brown	SB 400-Burlison
SB 371-Eigel	SB 401-Burlison
SB 372-Hoskins	SB 402-Eigel
SB 373-Schupp	SB 403-Eigel
SB 374-Burlison	SB 404-Nasheed
SB 375-Riddle	SB 405-Wallingford
SB 376-Riddle	SB 406-Wallingford
SB 377-Riddle	SB 407-Wallingford
SB 378-Hough	SB 408-May
SB 379-Romine	SB 409-Wieland, et al
SB 380-Hough	SB 410-Koenig
SB 381-Onder	SB 411-Romine
SB 382-Emery	SB 412-Holsman
SB 383-Emery	SB 413-Sater
SB 384-Schupp	SB 414-Wieland
SB 385-Bernskoetter	SB 415-Bernskoetter
SB 386-O'Laughlin	SB 416-Bernskoetter
SB 387-Hough	SB 417-White
SB 388-Burlison, et al	SB 418-White
SB 389-Burlison	SB 419-Riddle
SB 390-Wallingford	SB 420-Riddle
SB 391-Bernskoetter	SB 421-Wallingford
SB 392-Wieland	SB 422-White
SB 393-Hough	SB 423-Cunningham

SB 424-Luetkemeyer	SB 435-White
SB 425-Cierpiot	SB 436-Hoskins
SB 426-Williams	SB 437-Hoskins
SB 427-Wieland	SB 438-Brown
SB 428-Hough	SB 439-Brown
SB 429-Wallingford	SB 440-Brown
SB 430-Libla	SB 441-Hough
SB 431-Schatz	SB 442-Wieland
SB 432-Sifton	SJR 22-Nasheed
SB 433-Onder	SJR 23-Eigel
SB 434-Riddle	SJR 24-Cierpiot

## HOUSE BILLS ON SECOND READING

HB 445-Dogan	HCS for HB 324
HB 188-Rehder	HB 113-Smith
HB 182-Shull	HB 321-Solon
HB 280-Ruth	HB 402-Basye
HB 108-Sommer	HCS for HB 242
HB 72-Tate	HCS for HB 303
HCS for HB 185	HB 70-Dinkins
HCS for HB 255	HB 461-Pfautsch
HB 214-Trent	HCS for HB 239
HB 77-Black	HCS for HB 354
HCS for HB 447	HB 441-Fitzwater
HCS for HBs 243 & 544	HB 138-Kidd
HB 283-Anderson	

## THIRD READING OF SENATE BILLS

SS for SCS for SB 197-Onder	SB 196-Bernskoetter
SB 182-Cierpiot, et al	SB 133-Cunningham
SB 53-Crawford	SB 72-O'Laughlin and Emery

## SENATE BILLS FOR PERFECTION

- |                           |                  |
|---------------------------|------------------|
| 1. SB 76-Sater, with SCS  | 3. SB 65-White   |
| 2. SB 132-Emery, with SCS | 4. SB 100-Riddle |

- |                                  |                                       |
|----------------------------------|---------------------------------------|
| 5. SB 69-Hough                   | 13. SB 283-Hoskins                    |
| 6. SB 291-Wallingford, with SCS  | 14. SB 180-Wallingford, with SCS      |
| 7. SB 252-Wieland, with SCS      | 15. SB 10-Cunningham, with SCS        |
| 8. SB 167-Crawford, with SCS     | 16. SB 224-Luetkemeyer                |
| 9. SB 45-Hoskins, with SCS       | 17. SBs 12 & 123-Cunningham, with SCS |
| 10. SB 292-Eigel, with SCS       | 18. SB 9-Emery, with SCS              |
| 11. SB 213-Hegeman               | 19. SJR 2-Emery, with SCS             |
| 12. SB 184-Wallingford, with SCS |                                       |

### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

- |  |  |
|--|--|
| SB 4-Sater   | SB 49-Rowden, with SCS                                     |
| SB 7-Emery   | SB 56-Cierpiot, with SCS, SA 1 & SA 1 to<br>SA 1 (pending) |
| SB 14-Wallingford  | SB 57-Cierpiot   |
| SB 16-Romine, with SCS, SS for SCS, SA 3<br>& point of order (pending) | SB 154-Luetkemeyer, with SS & SA 2<br>(pending)            |
| SB 30-Hegeman, with SCS  | SB 160-Koenig, with SCS                                    |
| SB 39-Onder  | SB 194-Hoskins, with SCS & SS for SCS<br>(pending)         |
| SB 44-Hoskins, with SCS & SS for SCS<br>(pending)                      |  |
| SBs 46 & 50-Koenig, with SCS   |  |

### CONSENT CALENDAR

#### Senate Bills

#### Reported 2/7

- |                        |                |
|------------------------|----------------|
| SB 131-Emery, with SCS | SB 54-Crawford |
| SB 103-Schupp          |                |

#### Reported 2/14

- |                            |                  |
|----------------------------|------------------|
| SB 83-Cunningham, with SCS | SB 164-Schupp    |
| SB 179-Cunningham          | SB 84-Cunningham |



Reported 2/21

SB 147-Sater, with SCS

SB 267-Wieland, with SCS

RESOLUTIONS

SR 20-Holsman

SR 312-Holsman

Reported from Committee

SCR 4-Curls, et al  
SCR 11-Hough

SCR 14-Schatz

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# Journal of the Senate

## FIRST REGULAR SESSION

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### TWENTY-SEVENTH DAY—TUESDAY, FEBRUARY 26, 2019

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“But I will sing of your might; I will sing aloud of your steadfast love in the morning. For you have been a fortress for me and a refuge in the day of my distress.” (Psalm 59:16)

Gracious God, what a blessing You are to us for You have been here for us when we need You the most. You provide us with places and moments where we may turn to You and You are there to restore our strength while calming our souls. You open avenues and ways that we could not see without You and that brings completeness as we make our way through each day; for which we are most thankful. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Nasheed —1

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Arthur offered Senate Resolution No. 314, regarding Alexander J. Morales, Kansas City, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 315, regarding the Greater Missouri Leadership Challenge, which was adopted.

Senator Cierpiot offered Senate Resolution No. 316, regarding Chloe Christensen, Lake Lotawana, which was adopted.

Senator Cierpiot offered Senate Resolution No. 317, regarding Downtown Lee’s Summit, which was adopted.

### **INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were read the 1st time and ordered printed:

**SB 443**—By Schupp.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to sales tax imposed on certain products.

**SB 444**—By Schupp.

An Act to repeal sections 334.031 and 334.075, RSMo, and to enact in lieu thereof two new sections relating to licensing requirements for physicians and surgeons.

**SB 445**—By Arthur.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to state funding for competency-based credit.

**SB 446**—By Arthur.

An Act to repeal section 173.616, RSMo, and to enact in lieu thereof one new section relating to proprietary school exemptions.

**SB 447**—By Emery.

An Act to repeal section 163.031, RSMo, and to enact in lieu thereof two new sections relating to determination of state school aid.

**SB 448**—By Sater.

An Act to repeal sections 454.600 and 454.603, RSMo, and to enact in lieu thereof two new sections relating to child support enforcement.

**SB 449**—By Sater.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to out-of-pocket costs for prescription drug benefits.

**SB 450**—By Williams.

An Act to repeal section 195.080, RSMo, and to enact in lieu thereof one new section relating to exceptions to prescription limitations.

**SB 451**—By Riddle.

An Act to repeal section 337.068, RSMo, and to enact in lieu thereof one new section relating to

prisoner complaints against a psychologist's license.

**SB 452**—By Curls.

An Act to repeal section 137.720, RSMo, and to enact in lieu thereof one new section relating to the payment of county assessment costs.

**SJR 25**—By Libla.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, by adding thereto one new section relating to competitive retail electric energy markets.

On motion of Senator Wallingford, the Senate recessed until 2:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Hough.

### **REFERRALS**

President Pro Tem Schatz referred **SB 196** to the Committee on Fiscal Oversight.

### **INTRODUCTION OF BILLS**

The following Bill was read the 1st time and ordered printed:

**SB 453**—By Hough.

An Act to repeal section 610.021, RSMo, and to enact in lieu thereof one new section relating to records of municipally owned utilities.

### **SENATE BILLS FOR PERFECTION**

Senator Emery moved that **SB 7** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Emery offered **SS** for **SB 7**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE BILL NO. 7**

An Act to repeal sections 507.040, 507.050, 508.010, 508.012, and 537.762, RSMo, and to enact in lieu thereof eight new sections relating to civil procedure.

Senator Emery moved that **SS** for **SB 7** be adopted.

President Kehoe assumed the Chair.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

Senator Sifton offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Bill No. 7, Page 3, Section 507.040, Lines 25-28, by striking all

of the underlined words on said lines; and

Further amend said bill and section, page 4, line 1 by striking the words “satisfy this section.”; and further amend lines 7-21 by striking all of the underlined words on said lines and inserting in lieu thereof the following:

**“The general assembly hereby expressly adopts the holding of *State ex rel. Johnson & Johnson v. Burlison*, No. SC96704, as issued on February 13, 2019, as it relates to joinder and venue. Notwithstanding the provisions of this subsection to the contrary, Missouri residents may join together and establish venue in any venue where any one of the Missouri resident plaintiffs could independently establish venue.”**; and further renumber the remaining subsection accordingly; and

Further amend said bill, page 5, section 507.050, lines 4-14 by striking all of the underlined words on said lines; and

Further amend said bill, page 6, section 508.010, lines 9-11 by striking all of said lines and inserting in lieu thereof the following: **“principal place of business or the county where the applicable corporation’s registered agent is located.”**; and

Further amend said bill and section, page 7, line 12 by striking all of the opening and closing brackets and underlined words on said line; and further amend line 13 by striking the closing bracket “]” and inserting in lieu thereof the following: **“or”**; and further amend said line by striking the word “residence” and inserting in lieu thereof the following: **“business”**; and

Further amend said bill and section, page 9, lines 26-28 by striking all of said lines; and

Further amend said bill and section, page 10, lines 1-5 by striking all of said lines; and

Further renumber the remaining subsections accordingly; and

Further amend said bill, pages 11-12, section 537.762, by striking all of said section from the bill and inserting in lieu of the following:

**“Section 1. The provisions of sections 507.040, 507.050, 508.010, 508.012, and 537.762, as enacted by this act shall not apply to cases that:**

**(1) Were filed in a court in this state as of August 28, 2019; and**

**(2) Have proper jurisdiction in this state.”**; and

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above amendment be adopted.

Senator Wallingford assumed the Chair.

President Kehoe assumed the Chair.

Senator Cunningham assumed the Chair.

President Kehoe assumed the Chair.

At the request of Senator Emery, **SS** for **SB 7** was withdrawn, rendering **SA 1** moot.

Senator Emery offered **SS No. 2** for **SB 7**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE BILL NO. 7

An Act to repeal sections 507.040, 507.050, 508.010, 508.012, and 537.762, RSMo, and to enact in lieu thereof nine new sections relating to civil procedure.

Senator Emery moved that **SS No. 2** for **SB 7** be adopted.

Senator Emery offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 7, Page 4, Section 507.040, Line 9, by striking the words “the analysis of”.

Senator Emery moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Schatz assumed the Chair.

President Kehoe assumed the Chair.

Senator Hegeman assumed the Chair.

President Kehoe assumed the Chair.

Senator Sifton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Bill No. 7, Page 5, Section 508.010, Lines 17-18, by striking all of said lines; and

Further amend said bill, page 11, section 1, line 13 by striking all of said line and inserting lieu thereof the following:

“**after February 13, 2019. A plaintiff who is a**”; and further amend line 14 by striking the word “is”; and further amend line 15 by inserting after “(1)” the following: “**Is**”; and further amend lines 18-19 by striking all of said lines and inserting in lieu thereof the following:

“**(3) Has or had been set at any time prior to February 13, 2019, for a trial date beginning on or before August 28, 2019,**”; and further amend line 21 by inserting after all of said line the following:

“**Section 2. For actions pending as of February 13, 2019, a plaintiff whose claim has been found to have no county in Missouri in which venue exists may proceed in such venue in Missouri where such claim was dismissed without prejudice only when the court finds that the claim:**

**(1) Was filed in the Missouri court within the statute of limitations applicable to the claim;**

**(2) Has no proper venue in the state of Missouri; and**

**(3) Cannot be maintained, as of August 28, 2019, in any state where the claim may be brought because of applicable statutes of limitations and lack of a savings statute or similar law.”; and**

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above amendment be adopted, which motion prevailed.

Senator Emery moved that **SS No. 2** for **SB 7**, as amended, be adopted, which motion prevailed.

On motion of Senator Emery, **SS No. 2** for **SB 7**, as amended, was declared perfected and order printed.

### **RESOLUTIONS**

Senator Holsman offered Senate Resolution No. 318, regarding Jack Cooper Transport Company, Kansas City, which was adopted.

Senator Burlison offered Senate Resolution No. 319, regarding TransLand, Strafford, which was adopted.

Senator Burlison offered Senate Resolution No. 320, regarding Frank Finan, Fairmont, Nebraska, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 321, regarding Jefferson City Downtown Association, which was adopted.

Senator Emery offered Senate Resolution No. 322, regarding Barton Mutual Insurance Company, Liberal, which was adopted.

Senator Emery offered Senate Resolution No. 323, regarding Kaitlynn Vincent, Nevada, which was adopted.

Senator Cunningham offered Senate Resolution No. 324, regarding Captain Mark G. Inman, Willow Springs, which was adopted.

Senator Cierpiot offered Senate Resolution No. 325, regarding Chief Rick Poeschl, Lee's Summit, which was adopted.

Senator Riddle offered Senate Resolution No. 326, regarding the Sixty-fifth Wedding Anniversary of Artie and Carolyn Whelan, Clapper, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Williams introduced to the Senate, Aminata Diallo, James Turner and Luke Barber, students from the University of Missouri-St. Louis.

Senator Riddle introduced to the Senate, Nick Roberts, Charles Bassett, Jim Zerr, Alyce Zerr, Ron Hardecke, Andrea Kientzy, Jim Reed, Nathan Woehr, Chris Rowden and Denny Mertz.

On behalf of Senator Rowden, Senator Riddle introduced to the Senate, students from the gifted program, Hickman High School, Columbia.

Senator Holsman introduced to the Senate, Kelly Meiners, Kansas City.

Senator Schupp introduced to the Senate, Brittany Oehler, Jessa Glick, Rick Rovak and Alex Rankin.

Senator Curls introduced to the Senate, Nathan Roberts, Columbia; and Veda Atty and Brandon Henderson, Kansas City.

Senator Walsh introduced to the Senate, Andy Stack, St. Louis.

Senator Eigel introduced to the Senate, Chris Highfill, Jacquelyn Church, Michelle Ray and Rachel Williams, St. Peters; and Lauren Luthans, Gina Wilkerson, Ryan O'Rear, Megan O'Rear, Caleb Brittingham

and Davon Grimm, St. Charles.

Senator Hough introduced to the Senate, Dr. Newton, and representatives of the Department of Physical Therapy, Missouri State University.

Senator Romine introduced to the Senate, Athletic Director Matt Deaton; Coach John Brown; and Amber, J. and Jaycee Foeller, DeSoto; and Debbie Moore, Festus, representatives of the DeSoto High School wrestling program.

Senator Williams introduced to the Senate, Jennifer Matthew, Addie Glaser, Sarah Dean, Donato Ruggeri and Jackson Cannady, St. Louis; and Christa Van Herreweghe, University City.

Senator Luetkemeyer introduced to the Senate, Kathy Rose and Aaron Thatcher, Riverside.

Senator Burlison introduced to the Senate, Regina Cooper, Battlefield; and Kathleen O'Dell, Springfield.

Senator Holsman introduced to the Senate, Kim Curtis, Sharon Kinder and Judy Barrett, Grandview Chamber of Commerce; Vickie Wolgast, South Kansas City Chamber of Commerce; and Laura Terrebonne, Jackson County.

On motion of Senator Rowden, the Senate adjourned until 2:00 p.m., Wednesday, February 27, 2019.

#### SENATE CALENDAR

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TWENTY-EIGHTH DAY--WEDNESDAY, FEBRUARY 27, 2019

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#### FORMAL CALENDAR

#### SECOND READING OF SENATE BILLS

SB 364-Williams  
SB 365-Hoskins  
SB 366-Hoskins  
SB 367-Burlison  
SB 368-Hough  
SB 369-Brown  
SB 370-Brown  
SB 371-Eigel  
SB 372-Hoskins  
SB 373-Schupp  
SB 374-Burlison  
SB 375-Riddle  
SB 376-Riddle  
SB 377-Riddle  
SB 378-Hough

SB 379-Romine  
SB 380-Hough  
SB 381-Onder  
SB 382-Emery  
SB 383-Emery  
SB 384-Schupp  
SB 385-Bernskoetter  
SB 386-O'Laughlin  
SB 387-Hough  
SB 388-Burlison, et al  
SB 389-Burlison  
SB 390-Wallingford  
SB 391-Bernskoetter  
SB 392-Wieland  
SB 393-Hough



SB 394-O'Laughlin	SB 426-Wlliams
SB 395-Rizzo	SB 427-Wieland
SB 396-Onder	SB 428-Hough
SB 397-White	SB 429-Wallingford
SB 398-White	SB 430-Libla
SB 399-Burlison	SB 431-Schatz
SB 400-Burlison	SB 432-Sifton
SB 401-Burlison	SB 433-Onder
SB 402-Eigel	SB 434-Riddle
SB 403-Eigel	SB 435-White
SB 404-Nasheed	SB 436-Hoskins
SB 405-Wallingford	SB 437-Hoskins
SB 406-Wallingford	SB 438-Brown
SB 407-Wallingford	SB 439-Brown
SB 408-May	SB 440-Brown
SB 409-Wieland, et al	SB 441-Hough
SB 410-Koenig	SB 442-Wieland
SB 411-Romine	SB 443-Schupp
SB 412-Holsman	SB 444-Schupp
SB 413-Sater	SB 445-Arthur
SB 414-Wieland	SB 446-Arthur
SB 415-Bernskoetter	SB 447-Emery
SB 416-Bernskoetter	SB 448-Sater
SB 417-White	SB 449-Sater
SB 418-White	SB 450-Williams
SB 419-Riddle	SB 451-Riddle
SB 420-Riddle	SB 452-Curls
SB 421-Wallingford	SB 453-Hough
SB 422-White	SJR 22-Nasheed
SB 423-Cunningham	SJR 23-Eigel
SB 424-Luetkemeyer	SJR 24-Cierpiot
SB 425-Cierpiot	SJR 25-Libla

## HOUSE BILLS ON SECOND READING

HB 445-Dogan	HB 214-Trent
HB 188-Rehder	HB 77-Black
HB 182-Shull	HCS for HB 447
HB 280-Ruth	HCS for HBs 243 & 544
HB 108-Sommer	HB 283-Anderson
HB 72-Tate	HCS for HB 324
HCS for HB 185	HB 113-Smith
HCS for HB 255	HB 321-Solon

HB 402-Basye  
HCS for HB 242  
HCS for HB 303  
HB 70-Dinkins  
HB 461-Pfautsch

HCS for HB 239  
HCS for HB 354  
HB 441-Fitzwater  
HB 138-Kidd

### THIRD READING OF SENATE BILLS

SS for SCS for SB 197-Onder  
SB 182-Cierpiot, et al  
SB 53-Crawford

SB 196-Bernskoetter (In Fiscal Oversight)  
SB 133-Cunningham  
SB 72-O'Laughlin and Emery

### SENATE BILLS FOR PERFECTION

1. SB 76-Sater, with SCS  
2. SB 132-Emery, with SCS  
3. SB 65-White  
4. SB 100-Riddle  
5. SB 69-Hough  
6. SB 291-Wallingford, with SCS  
7. SB 252-Wieland, with SCS  
8. SB 167-Crawford, with SCS  
9. SB 45-Hoskins, with SCS  
10. SB 292-Eigel, with SCS

11. SB 213-Hegeman  
12. SB 184-Wallingford, with SCS  
13. SB 283-Hoskins  
14. SB 180-Wallingford, with SCS  
15. SB 10-Cunningham, with SCS  
16. SB 224-Luetkemeyer  
17. SBs 12 & 123-Cunningham, with SCS  
18. SB 9-Emery, with SCS  
19. SJR 2-Emery, with SCS

### INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 4-Sater  
SB 14-Wallingford  
SB 16-Romine, with SCS, SS for SCS,  
SA 3 & point of order (pending)  
SB 30-Hegeman, with SCS  
SB 39-Onder  
SB 44-Hoskins, with SCS &  
SS for SCS (pending)  
SBs 46 & 50-Koenig, with SCS  
SB 49-Rowden, with SCS

SB 56-Cierpiot, with SCS, SA 1 &  
SA 1 to SA 1 (pending)  
SB 57-Cierpiot  
SB 154-Luetkemeyer, with SS &  
SA 2 (pending)  
SB 160-Koenig, with SCS  
SB 194-Hoskins, with SCS &  
SS for SCS (pending)

## CONSENT CALENDAR

## Senate Bills

## Reported 2/7

SB 131-Emery, with SCS  
SB 103-Schupp

SB 54-Crawford

## Reported 2/14

SB 83-Cunningham, with SCS  
SB 179-Cunningham

SB 164-Schupp  
SB 84-Cunningham

## Reported 2/21

SB 147-Sater, with SCS

SB 267-Wieland, with SCS

## RESOLUTIONS

SR 20-Holsman

SR 312-Holsman

## Reported from Committee

SCR 4-Curls, et al  
SCR 11-Hough

SCR 14-Schatz

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# Journal of the Senate

## FIRST REGULAR SESSION

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**TWENTY-EIGHTH DAY—WEDNESDAY, FEBRUARY 27, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Senator Crawford offered the following prayer:

Weeping may endure for a night, but joy cometh in the morning. (Psalm 30:5b)

Heavenly Father, we pray that You would bless us this afternoon as we seek to do Your will. We ask You to help us do our duty honorably and faithfully, as we consider those who we represent and serve. Give us the strength and patience to make it through our day. We pray all these things in Jesus' name, Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

**Present—Senators**

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

**Absent—Senators—None**

**Absent with leave—Senators —None**

**Vacancies—None**

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Rowden offered Senate Resolution No. 327, regarding the Missouri Society of the Sons of the

American Revolution, which was adopted.

Senator Koenig offered Senate Resolution No. 328, regarding the death of the Honorable William Carl “Bill” Linton, which was adopted.

Senator Wallingford offered Senate Resolution No. 329, regarding Jay Cassout, Scott City, which was adopted.

Senator Onder offered Senate Resolution No. 330, regarding Amelia Truong, which was adopted.

Senator Crawford offered Senate Resolution No. 331, regarding Kate Brown, which was adopted.

Senator Brown offered Senate Resolution No. 332, regarding Blake Johnson, which was adopted.

### INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

**SB 454**—By Hegeman.

An Act to repeal sections 135.305 and 137.1018, RSMo, and to enact in lieu thereof two new sections relating to the extension of expiration dates of certain tax credits.

**SB 455**—By Holsman.

An Act to repeal section 333.011, RSMo, and to enact in lieu thereof two new sections relating to licensing of funeral establishments.

**SB 456**—By Schupp.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to forensic examinations performed in certain hospitals.

**SB 457**—By Curls.

An Act to amend chapter 195, RSMo, by adding thereto one new section relating to the medical marijuana opportunities program, with an emergency clause.

**SB 458**—By May.

An Act to repeal section 454.1005, RSMo, and to enact in lieu thereof one new section relating to child support enforcement.

**SB 459**—By Nasheed.

An Act to amend chapter 570, RSMo, by adding thereto one new section relating to the offense of vehicle hijacking, with penalty provisions.

**SB 460**—By O’Laughlin.

An Act to repeal sections 334.104, 335.016, 335.019, 335.046, 335.056, and 335.086, RSMo, and to enact in lieu thereof six new sections relating to advanced practice registered nurses.

**SB 461**—By O’Laughlin.

An Act to repeal section 162.431, RSMo, and to enact in lieu thereof one new section relating to school

district boundary changes.

**SB 462**—By Arthur.

An Act to repeal section 565.020, RSMo, and to enact in lieu thereof two new sections relating to murder in the first degree, with a penalty provision.

**SB 463**—By Burlison.

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to government processes to verify hours worked on computers for certain government contracts.

**SB 464**—By Burlison.

An Act to repeal section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, RSMo, and to enact in lieu thereof one new section relating to county regulations, with a penalty provision.

**SB 465**—By Burlison.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to lease agreements for early childhood education programs.

**SB 466**—By White.

An Act to amend chapter 303, RSMo, by adding thereto one new section relating to the motor vehicle financial responsibility law.

**SB 467**—By Onder.

An Act to amend chapter 144.058, RSMo, by adding thereto one new section relating to a sales tax exemption for electricity.

**SB 468**—By Williams.

An Act to repeal section 59.100, RSMo, and to enact in lieu thereof one new section relating to bonds for county recorders of deeds.

**SB 469**—By Walsh.

An Act to repeal section 311.540, RSMo, and to enact in lieu thereof one new section relating to alcohol trade practices.

**SB 470**—By Riddle.

An Act to authorize the conveyance of certain state property.

**SB 471**—By Crawford.

An Act to repeal sections 280.005, 280.010, 280.020, 280.030, 280.035, 280.037, 280.038, 280.040, 280.050, 280.060, 280.070, 280.080, 280.090, 280.095, 280.100, 280.110, 280.120, 280.130, and 280.140, RSMo, relating to the treated timber law.

**SB 472**—By Crawford.

An Act to repeal sections 264.061, 266.031, 266.165, 266.190, 281.035, 281.037, 281.038, 281.050, and

281.260, RSMo, and to enact in lieu thereof eleven new sections relating to fees charged by the department of agriculture.

**SB 473**—By Bernskoetter.

An Act to amend chapter 253, RSMo, by adding thereto one new section relating to the Rock Island Trail State Park endowment fund.

**SB 474**—By Bernskoetter.

An Act to amend chapter 174, RSMo, by adding thereto one new section relating to agreements between an institution of higher education and a private partner.

**SB 475**—By Cunningham.

An Act to repeal section 163.031, RSMo, and to enact in lieu thereof one new section relating to determination of state school aid.

**SJR 26**—By Holsman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27(a) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to providing funds for emergencies in this state.

**SJR 27**—By Eigel.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(b) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to transportation funding.

#### **SENATE BILLS FOR PERFECTION**

Senator Sater moved that **SB 76**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 76**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 76**

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to work and community engagement requirements for certain MO HealthNet participants.

Was taken up.

Senator Sater moved that **SCS** for **SB 76** be adopted.

Senator Sater offered **SS** for **SCS** for **SB 76**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 76**

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to work and community engagement requirements for certain MO HealthNet participants.

Senator Sater moved that **SS** for **SCS** for **SB 76** be adopted.

Senator Nasheed offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 76, Page 3, Section 208.185, Line 4, by striking the word “or”; and further amend line 8, by inserting after “programs” the following: “; or

**(6) A participant who is also a participant of temporary assistance for needy families or the supplemental nutrition assistance program and who has pleaded guilty or nolo contendere or has been found guilty under federal or state law to any felony offense”.**

Senator Nasheed moved that the above amendment be adopted.

Senator Emery assumed the Chair.

At the request of Senator Sater, **SS** for **SCS** for **SB 76** was withdrawn, rendering **SA 1** moot.

At the request of Senator Sater, **SB 76**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Hoskins moved that **SB 194**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Hoskins, **SS** for **SCS** for **SB 194** was withdrawn.

Senator Hoskins offered **SS No. 2** for **SCS** for **SB 194**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 194

An Act to amend chapters 217 and 632, RSMo, by adding thereto two new sections relating to the unlawful use of unmanned aircraft, with penalty provisions.

Senator Hoskins moved that **SS No. 2** for **SCS** for **SB 194** be adopted, which motion prevailed.

On motion of Senator Hoskins, **SS No. 2** for **SCS** for **SB 194** was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 126**, entitled:

An Act to repeal sections 188.010, 188.015, 188.020, 188.027, 188.028, 188.043, and 188.052, RSMo, and to enact in lieu thereof thirteen new sections relating to abortion, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.



**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR  
STATE OF MISSOURI  
February 27, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Thomas O. Kuypers, 1005 Jefferson Street, Saint Charles, Saint Charles County, Missouri 63301, as a member of the Missouri Advisory Council on Historic Preservation, for a term ending February 27, 2021, and until his successor is duly appointed and qualified; vice, RSMO 253.408.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
February 27, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kenneth J. Schmidt, 5355 Highway Y, Bonne Terre, Saint Francois County, Missouri 63036, as a member of the Missouri Propane Safety Commission, for a term ending June 30, 2020, and until his successor is duly appointed and qualified; vice, Kenneth J. Schmidt, reappointed.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
February 27, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Robert Paul Wieggers, 460 State Route O, Fayette, Howard County, Missouri 65248, as a member of the Missouri Advisory Council on Historic Preservation, for a term ending February 27, 2021, and until his successor is duly appointed and qualified; vice, RSMO 253.408.

Respectfully submitted,

Michael L. Parson

Governor

President Pro Tem Schatz referred the above appointments to the Committee on Gubernatorial Appointments.

**REPORTS OF STANDING COMMITTEES**

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 2** for **SB 7**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **REFERRALS**

President Pro Tem Schatz referred **SS No. 2** for **SB 7** to the Committee on Fiscal Oversight.

### **RE-REFERRALS**

President Pro Tem Schatz re-referred **SB 203** to the Committee on Progress and Development.

### **INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were read the 1st time and ordered printed:

**SB 476**—By Brown.

An Act to repeal sections 324.008 and 324.009, RSMo, and to enact in lieu thereof one new section relating to professional licensing reciprocity for nonresident military spouses.

**SB 477**—By Brown.

An Act to amend chapter 620, RSMo, by adding thereto seven new sections relating to rural workforce development incentives.

**SJR 28**—By Holsman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 6 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to exemptions from property tax.

### **INTRODUCTIONS OF GUESTS**

Senator Crawford introduced to the Senate, representatives of Buffalo Leadership.

Senator Libla introduced to the Senate, Kyle and Zoe Imel, Steele.

Senator Cunningham introduced to the Senate, Breanna Lane, Alyssa Moore, Lyndsey Parker, Dillon Cordel, Alex Priest, Nathan Bunch and Olivia Kay Grandberry, Missouri State University.

Senator Burlison introduced to the Senate, the Physician of the Day, Dr. Matthew Kincade, M.D., FACS, and his daughter, Katherine, Springfield; and Katherine was made an honorary page.

Senator Riddle introduced to the Senate, Mikal Bencomo, Michelle Kitson, Katie Mullen, Mary Williams, Chrystal Hudson and Deb Hartsock, representatives of the Alzheimer's Association.

The President introduced to the Senate, Michael Carr, Honolulu, Hawaii.

On motion of Senator Rowden, the Senate adjourned under the rules.

## SENATE CALENDAR

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TWENTY-NINTH DAY–THURSDAY, FEBRUARY 28, 2019

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## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 364-Williams	SB 394-O'Laughlin
SB 365-Hoskins	SB 395-Rizzo
SB 366-Hoskins	SB 396-Onder
SB 367-Burlison	SB 397-White
SB 368-Hough	SB 398-White
SB 369-Brown	SB 399-Burlison
SB 370-Brown	SB 400-Burlison
SB 371-Eigel	SB 401-Burlison
SB 372-Hoskins	SB 402-Eigel
SB 373-Schupp	SB 403-Eigel
SB 374-Burlison	SB 404-Nasheed
SB 375-Riddle	SB 405-Wallingford
SB 376-Riddle	SB 406-Wallingford
SB 377-Riddle	SB 407-Wallingford
SB 378-Hough	SB 408-May
SB 379-Romine	SB 409-Wieland, et al
SB 380-Hough	SB 410-Koenig
SB 381-Onder	SB 411-Romine
SB 382-Emery	SB 412-Holsman
SB 383-Emery	SB 413-Sater
SB 384-Schupp	SB 414-Wieland
SB 385-Bernskoetter	SB 415-Bernskoetter
SB 386-O'Laughlin	SB 416-Bernskoetter
SB 387-Hough	SB 417-White
SB 388-Burlison, et al	SB 418-White
SB 389-Burlison	SB 419-Riddle
SB 390-Wallingford	SB 420-Riddle
SB 391-Bernskoetter	SB 421-Wallingford
SB 392-Wieland	SB 422-White
SB 393-Hough	SB 423-Cunningham

SB 424-Luetkemeyer	SB 455-Holsman
SB 425-Cierpiot	SB 456-Schupp
SB 426-Williams	SB 457-Curls
SB 427-Wieland	SB 458-May
SB 428-Hough	SB 459-Nasheed
SB 429-Wallingford	SB 460-O'Laughlin
SB 430-Libla	SB 461-O'Laughlin
SB 431-Schatz	SB 462-Arthur
SB 432-Sifton	SB 463-Burlison
SB 433-Onder	SB 464-Burlison
SB 434-Riddle	SB 465-Burlison
SB 435-White	SB 466-White
SB 436-Hoskins	SB 467-Onder
SB 437-Hoskins	SB 468-Williams
SB 438-Brown	SB 469-Walsh
SB 439-Brown	SB 470-Riddle
SB 440-Brown	SB 471-Crawford
SB 441-Hough	SB 472-Crawford
SB 442-Wieland	SB 473-Bernskoetter
SB 443-Schupp	SB 474-Bernskoetter
SB 444-Schupp	SB 475-Bernskoetter
SB 445-Arthur	SB 476-Brown
SB 446-Arthur	SB 477-Brown
SB 447-Emery	SJR 22-Nasheed
SB 448-Sater	SJR 23-Eigel
SB 449-Sater	SJR 24-Cierpiot
SB 450-Williams	SJR 25-Libla
SB 451-Riddle	SJR 26-Holsman
SB 452-Curls	SJR 27-Eigel
SB 453-Hough	SJR 28-Holsman
SB 454-Hegeman	

## HOUSE BILLS ON SECOND READING

HB 445-Dogan	HCS for HB 185
HB 188-Rehder	HCS for HB 255
HB 182-Shull	HB 214-Trent
HB 280-Ruth	HB 77-Black
HB 108-Sommer	HCS for HB 447
HB 72-Tate	HCS for HBs 243 & 544

HB 283-Anderson  
 HCS for HB 324  
 HB 113-Smith  
 HB 321-Solon  
 HB 402-Basye  
 HCS for HB 242  
 HCS for HB 303

HB 70-Dinkins  
 HB 461-Pfautsch  
 HCS for HB 239  
 HCS for HB 354  
 HB 441-Fitzwater  
 HB 138-Kidd  
 HB 126-Schroer

### THIRD READING OF SENATE BILLS

SS for SCS for SB 197-Onder  
 SB 182-Cierpiot, et al  
 SB 53-Crawford  
 SB 196-Bernskoetter (In Fiscal Oversight)

SB 133-Cunningham  
 SB 72-O'Laughlin and Emery  
 SS#2 for SB 7-Emery (In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

1. SB 132-Emery, with SCS
2. SB 65-White
3. SB 100-Riddle
4. SB 69-Hough
5. SB 291-Wallingford, with SCS
6. SB 252-Wieland, with SCS
7. SB 167-Crawford, with SCS
8. SB 45-Hoskins, with SCS
9. SB 292-Eigel, with SCS

10. SB 213-Hegeman
11. SB 184-Wallingford, with SCS
12. SB 283-Hoskins
13. SB 180-Wallingford, with SCS
14. SB 10-Cunningham, with SCS
15. SB 224-Luetkemeyer
16. SBs 12 & 123-Cunningham, with SCS
17. SB 9-Emery, with SCS
18. SJR 2-Emery, with SCS

### INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 4-Sater  
 SB 14-Wallingford  
 SB 16-Romine, with SCS, SS for SCS, SA 3  
     & point of order (pending)  
 SB 30-Hegeman, with SCS  
 SB 39-Onder  
 SB 44-Hoskins, with SCS & SS for SCS  
     (pending)

SBs 46 & 50-Koenig, with SCS  
 SB 49-Rowden, with SCS  
 SB 56-Cierpiot, with SCS, SA 1 & SA 1 to SA 1  
     (pending)  
 SB 57-Cierpiot  
 SB 76-Sater, with SCS (pending)  
 SB 154-Luetkemeyer, with SS & SA 2 (pending)  
 SB 160-Koenig, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 131-Emery, with SCS  
SB 103-Schupp

SB 54-Crawford

Reported 2/14

SB 83-Cunningham, with SCS  
SB 179-Cunningham

SB 164-Schupp  
SB 84-Cunningham

Reported 2/21

SB 147-Sater, with SCS

SB 267-Wieland, with SCS

RESOLUTIONS

SR 20-Holsman

SR 312-Holsman

Reported from Committee

SCR 4-Curls, et al  
SCR 11-Hough

SCR 14-Schatz

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# Journal of the Senate

## FIRST REGULAR SESSION

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**TWENTY-NINTH DAY—THURSDAY, FEBRUARY 28, 2019**

---

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Senator Romine offered the following prayer:

“This is the day the Lord has made; let us rejoice and be glad in it.” (Psalm 118:24)

Gracious Lord, what a joy it is to come to this final day of our work week and close out this month. May we be encouraged to continue to celebrate this time as we journey home to be with those we love and are so important to us. Thank You for providing us time to work together and time to enjoy our families and friends. And may we provide time to embrace Your presence and Your word for our enrichment and growth. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

**Present—Senators**

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

Absent—Senator Nasheed—1

Absent with leave—Senators —None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Rizzo offered Senate Resolution No. 333, regarding Addison Demesko, Lee’s Summit, which

was adopted.

Senator Rizzo offered Senate Resolution No. 334, regarding Paige Fallis, Lee's Summit, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 335, regarding Anthony Torri, which was adopted.

Senator Sater offered Senate Resolution No. 336, regarding Dr. Amy Oxner McGaha and Scott McGaha, which was adopted.

### **INTRODUCTION OF BILLS**

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

**SB 478**—By Holsman.

An Act to repeal section 171.033, RSMo, and to enact in lieu thereof one new section relating to make-up hours required for school days lost due to inclement weather, with an emergency clause.

**SB 479**—By Onder.

An Act to repeal section 488.029, 513.605, 556.046, 556.061, 557.036, 558.021, 558.046, 559.115, 559.117, 566.010, 566.030, 566.032, 566.060, 566.062, 566.086, 566.125, 571.070, 575.150, 575.200, and 589.414, RSMo, and to enact in lieu thereof twenty new sections relating to criminal offenses, with penalty provisions.

**SB 480**—By Schupp.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to the pregnancy-associated mortality.

**SB 481**—By Hoskins.

An Act to repeal section 135.562, RSMo, and to enact in lieu thereof one new section relating to a tax credit for renovations for disability access.

**SB 482**—By Hoskins.

An Act to repeal sections 195.740, 195.743, 195.746, 195.749, 195.752, 195.755, 195.756, 195.758, 195.764, 195.767, 195.770, and 195.773, RSMo, and to enact in lieu thereof eleven new section relating to industrial hemp, with penalty provisions.

**SB 483**—By Hoskins.

An Act to repeal section 144.020, RSMo, and to enact in lieu thereof one new section relating to sales tax on telecommunications service.

**SB 484**—By Hoskins.

An Act to amend chapter 408, RSMo, by adding thereto eight new sections relating to the litigation financing consumer protection act.

**SB 485**—By Hoskins.

An Act to repeal section 311.280, RSMo, and to enact in lieu thereof one new section relating to



intoxicating liquor, with a penalty provision.

**SB 486**—By Williams.

An Act to repeal sections 409.605, 409.610, 409.615, 409.620, 409.625, 409.630, 409.4-412, 409.5-501, and 409.6-604, RSMo, and to enact in lieu thereof nine new sections relating to the financial protection of vulnerable populations, with penalty provisions.

**SB 487**—By Libla.

An Act to repeal sections 67.662 and 94.802, RSMo, and to enact in lieu thereof two new sections relating to tourism taxes.

**SB 488**—By Rizzo.

An Act to repeal section 650.058, RSMo, and to enact in lieu thereof one new section relating to consideration to exonerated individuals.

**SB 489**—By Rizzo.

An Act to repeal section 135.030, RSMo, and to enact in lieu thereof one new section relating to property tax relief for certain vulnerable populations.

**SB 490**—By Rizzo.

An Act to repeal section 198.082, RSMo, and to enact in lieu thereof one new section relating to certified nursing assistants.

**SB 491**—By Rizzo.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to technology business facilities.

**SB 492**—By May.

An Act to repeal sections 407.300 and 407.302, RSMo, and to enact in lieu thereof six new sections relating to the resale of scrap metals, with penalty provisions.

**SB 493**—By May.

An Act to repeal section 590.650, RSMo, and to enact in lieu thereof one new section relating to prohibitions against discriminatory policing.

**SB 494**—By Emery.

An Act to amend chapter 513, RSMo, by adding thereto one new section relating to asset forfeiture.

**SB 495**—By Emery.

An Act to repeal sections 208.244 and 640.090, RSMo, and to enact in lieu thereof two new sections relating to the duties of the joint committee on government accountability.

**SB 496**—By Emery.

An Act to repeal section 173.1003, RSMo, and to enact in lieu thereof one new section relating to higher education.

**SB 497**—By O’Laughlin.

An Act to repeal section 537.600, RSMo, and to enact in lieu thereof one new section relating to sovereign immunity for contractors performing governmental services.

**SB 498**—By Burlison.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to food product labeling.

**SB 499**—By Burlison.

An Act to amend chapter 104, RSMo, by adding thereto one new section relating to consolidation of state employee retirement systems.

**SB 500**—By Burlison.

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to provision of services by an unlicensed individual.

**SB 501**—By Riddle.

An Act to repeal section 590.120, RSMo, and to enact in lieu thereof one new section relating to the members of the peace officer standards and training commission.

**SB 502**—By Bernskoetter.

An Act to repeal section 266.355, RSMo, relating to anhydrous ammonia.

**SB 503**—By Crawford.

An Act to repeal section 193.075, RSMo, and to enact in lieu thereof two new sections relating to child protection.

**SB 504**—By Crawford.

An Act to amend chapter 436, RSMo, by adding thereto eleven new sections relating to consumer legal funding, with penalty provisions.

**SB 505**—By Brown.

An Act to repeal sections 144.070 and 301.032, RSMo, and to enact in lieu thereof two new sections relating to motor vehicles.

**SB 506**—By Brown.

An Act to repeal section 304.230, RSMo, and to enact in lieu thereof one new section relating to inspection of commercial motor vehicles.

**SB 507**—By Hough.

An Act to amend chapters 191 and 376, RSMo, by adding thereto six new sections relating to health coverage for certain disorders.

**SB 508**—By Hough.

An Act to repeal section 610.120, RSMo, and to enact in lieu thereof one new section relating to

criminal history records, with an emergency clause.

**SB 509**—By Hough.

An Act to repeal section 327.401, RSMo, and to enact in lieu thereof one new section relating to certificates of authority issued by the board of architects, professional engineers, professional land surveyors, and professional landscape architects.

**SB 510**—By Hough.

An Act to repeal section 143.551, RSMo, and to enact in lieu thereof one new section relating to the remittance of tax payments, with an emergency clause.

**SB 511**—By Williams.

An Act to amend chapter 316, RSMo, by adding thereto one new section relating to internet domain names of website operators, with penalty provisions.

**SB 512**—By Hegeman.

An Act to repeal section 221.105, RSMo, and to enact in lieu thereof three new sections relating to local boarding of certain offenders.

**SB 513**—By Sater.

An Act to repeal sections 67.662 and 94.802, RSMo, and to enact in lieu thereof two new sections relating to tourism taxes.

**SB 514**—By Sater.

An Act to repeal section 208.151, RSMo, and to enact in lieu thereof one new section relating to MO HealthNet benefits for persons in foster care.

**SB 515**—By Sater.

An Act to repeal sections 493.025, 493.027, 493.050, and 493.055, RSMo, and to enact in lieu thereof four new sections relating to publication of notice.

**SB 516**—By Cunningham.

An Act to repeal section 197.318, RSMo, and to enact in lieu thereof one new section relating to certificates of need.

**SJR 29**—By Schatz.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2 and 3 of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to regulating the legislature to limit the influence of partisan or other special interests.

**SJR 30**—By Burlison.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, by adding thereto one new section relating to labor organizations.

**CONCURRENT RESOLUTIONS**

**SCR 11**, introduced by Senator Hough, entitled:

Relating to designating every November as National American History and Founders Month.

Was taken up.

On motion of Senator Hough, **SCR 11** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

## NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the concurrent resolution passed.

On motion of Senator Hough, title to the concurrent resolution was agreed to.

Senator Hough moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SCR 4**, introduced by Senator Curls, et al, entitled:

Relating to the designation of the Kansas City Chiefs as the official professional football team of the state of Missouri.

Was taken up by Senator Curls.

Senator Curls offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Concurrent Resolution No. 4, as it appears on Page 71 of the Senate Journal for Monday, January 14, 2019, Line 33 of said journal page, by striking the word “professional” and inserting in lieu thereof the following: “NFL”.

Senator Curls moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Curls, **SCR 4**, as amended, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the concurrent resolution passed.

On motion of Senator Curls, title to the concurrent resolution was agreed to.

Senator Curls moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**THIRD READING OF SENATE BILLS**

**SS for SCS for SB 197**, introduced by Senator Onder, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 197

An Act to repeal sections 311.198 and 311.300, RSMo, and to enact in lieu thereof two new sections relating to intoxicating liquor.

Was taken up.

On motion of Senator Onder, **SS for SCS for SB 197** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

NAYS—Senator Schupp—1

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Onder, title to the bill was agreed to.

Senator Onder moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 182**, introduced by Senator Cierpiot, et al, entitled:

An Act to repeal section 135.1670, RSMo, and to enact in lieu thereof one new section relating to incentives for interstate business relocation.

Was taken up by Senator Cierpiot.

On motion of Senator Cierpiot, **SB 182** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senators

Emery                      Nasheed—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Cierpiot, title to the bill was agreed to.

Senator Cierpiot moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 53**, introduced by Senator Crawford, entitled:

An Act to repeal sections 54.140 and 64.805, RSMo, and to enact in lieu thereof two new sections relating to duties of county officials, with an existing penalty provision.

Was taken up.

On motion of Senator Crawford, **SB 53** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton

Wallingford      Walsh      White      Wieland      Williams—33

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 133**, introduced by Senator Cunningham, entitled:

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the sale of eggs, with penalty provisions.

Was taken up.

On motion of Senator Cunningham, **SB 133** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 72**, introduced by Senators O’Laughlin and Emery, entitled:

An Act to repeal section 153.034, RSMo, and to enact in lieu thereof one new section relating to property tax assessments of electric companies.

Was taken up by Senator O’Laughlin.

On motion of Senator O’Laughlin, **SB 72** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

NAYS—Senator Rizzo—1

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator O’Laughlin, title to the bill was agreed to.

Senator O’Laughlin moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 207**, entitled:

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to medical alert notations on driver's licenses, with a delayed effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 743 & 673**, entitled:

An Act to amend chapters 171 and 173, RSMo, by adding thereto two new sections relating to student journalists.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 678**, entitled:



An Act to repeal sections 209.625 and 472.010, RSMo, and to enact in lieu thereof two new sections relating to the Missouri ABLE program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 219**, entitled:

An Act to repeal section 208.146, RSMo, and to enact in lieu thereof one new section relating to health assurance programs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 599**, entitled:

An Act to repeal sections 361.140, 361.230, 361.250, 361.440, 361.520, 362.025, 362.030, 362.042, 362.060, 362.430, 362.440, 362.450, 362.600, 362.660, 369.019, 369.059, 369.074, 369.079, 369.089, 369.678, 370.010, 370.030, 370.040, 370.350, 370.355, and 370.358, RSMo, and to enact in lieu thereof twenty-five new sections relating to financial institutions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor, reading of which was waived:

GOVERNOR  
STATE OF MISSOURI  
February 28, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William L. (Barry) Orscheln, Republican, 5711 Bridlewood Court, Columbia, Boone County, Missouri 65203, as a member of the Conservation Commission, for a term ending June 30, 2023, and until his successor is duly appointed and qualified; vice, Nicole E. Wood, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

President Pro Tem Schatz referred the above appointment to the Committee on Gubernatorial Appointments.

### **CONCURRENT RESOLUTIONS**

Senator May offered the following concurrent resolution:

## SENATE CONCURRENT RESOLUTION NO. 21

## Relating to Minority Organ Donor Awareness Month in Missouri

Whereas, with more than one hundred eighteen thousand people waiting for an organ donation and with more than seven thousand people dying each year due to the lack of organs, public awareness of the great need for organ donation is the key to increasing the number of organ donors and thereby saving lives and improving the quality of life for recipients of organ donation; and

Whereas, approximately thirty thousand people a year have begun new lives thanks to an organ transplant. Organs and tissue from a single nonliving donor can be used to benefit more than fifty people. Living donors can donate a kidney and parts of their liver, lung, pancreas, or intestine, and can be evaluated to help a friend, family member, or even donate anonymously to patients of the wait list; and

Whereas, promoting the need for organ and tissue donors and encouraging people to become an organ donor and tissue donor are vitally important to increase the number of lives saved and changed for the better through organ donation; and

Whereas, people of African American/Black, Asian/Pacific Islander, Hispanic/Latino, American Indian/Alaskan Native, and multiracial descent currently make up nearly fifty-eight percent of individuals on the national organ transplant waiting list. These communities are in great need of more organ and tissue donors; and

Whereas, an intensive awareness campaign focused on obstacles related to minorities and organ donation that promotes healthy living and disease prevention to decrease the need for organ transplantation and that reaches out to all ethnic groups is greatly needed:

Now, Therefore, Be It Resolved that the members of the Missouri Senate, One-hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby designate the month of August each year as “Minority Organ Donor Awareness Month” in Missouri; and

Be It Further Resolved that the General Assembly encourages and recommends that people of the state of Missouri observe Minority Organ Donor Awareness Month through activities that specifically address the need to increase awareness of organ donation by all ethnic groups and the need for organ donors. Such activities may include prayer breakfasts, health walks, and donor drives; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to send a properly inscribed copy of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 517**—By Riddle.

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to solar site management.

**SB 518**—By Curls.

An Act to repeal section 494.455, RSMo, and to enact in lieu thereof one new section relating to the compensation of jurors.

President Pro Tem Schatz assumed the Chair.

**REPORTS OF STANDING COMMITTEES**

Senator Wallingford, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 202**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **SB 101**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **SB 230**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Romine, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 168**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 206**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Libla, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 19**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 201**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Walsh, Chairman of the Committee on Progress and Development, submitted the following report:

Mr. President: Your Committee on Progress and Development, to which was referred **SB 152**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following reports:

Mr. President: Your Committee on Professional Registration, to which was referred **SB 138**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Professional Registration, to which was referred **SB 204**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Professional Registration, to which was referred **SB 264**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Professional Registration, to which was referred **SB 219**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Hoskins, Chairman of the Committee on Small Business and Industry, submitted the following report:

Mr. President: Your Committee on Small Business and Industry, to which was referred **SB 71**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Koenig, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 108**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 87**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 174**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 52**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Eigel, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SB 210**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 145**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crawford, Chairman of the Committee on Local Government and Elections, submitted the following reports:

Mr. President: Your Committee on Local Government and Elections, to which was referred **SJR 1**, begs leave to report that it has considered the same and recommends that joint resolution do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 5**, begs

leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cierpiot, Chairman of the Committee on Economic Development, submitted the following reports:

Mr. President: Your Committee on Economic Development, to which was referred **SB 68**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, to which was referred **SB 222**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bernskoetter, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 211**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 218**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator White, Chairman of the Committee on Veterans and Military Affairs, submitted the following report:

Mr. President: Your Committee on Veterans and Military Affairs, to which was referred **SB 306**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Luetkemeyer, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 297**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 1**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 13**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 254**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SJR 13**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 2** for **SCS** for **SB 194**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

President Kehoe assumed the Chair.

### **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 364**—Ways and Means.

**SB 365**—Education.

**SB 366**—Economic Development.

**SB 367**—Transportation, Infrastructure and Public Safety.

**SB 368**—Transportation, Infrastructure and Public Safety.

**SB 369**—Transportation, Infrastructure and Public Safety.

**SB 370**—Insurance and Banking.

**SB 371**—Transportation, Infrastructure and Public Safety.

**SB 372**—Professional Registration.

**SB 373**—Progress and Development.

**SB 374**—Government Reform.

**SB 375**—Professional Registration.

**SB 376**—Professional Registration.

**SB 377**—Commerce, Consumer Protection, Energy and the Environment.

**SB 378**—Transportation, Infrastructure and Public Safety.

**SB 379**—Commerce, Consumer Protection, Energy and the Environment.

**SB 380**—Local Government and Elections.

**SB 381**—Transportation, Infrastructure and Public Safety.

**SB 382**—Commerce, Consumer Protection, Energy and the Environment.

**SB 383**—Commerce, Consumer Protection, Energy and the Environment.

**SB 384**—Local Government and Elections.

**SB 385**—Local Government and Elections.

**SB 386**—Judiciary and Civil and Criminal Jurisprudence.

**SB 387**—Local Government and Elections.

**SB 388**—Health and Pensions.

**SB 389**—Government Reform.

**SB 390**—Health and Pensions.

**SB 391**—Agriculture, Food Production and Outdoor Resources.

**SB 392**—Judiciary and Civil and Criminal Jurisprudence.

**SB 393**—Seniors, Families and Children.

**SB 394**—Transportation, Infrastructure and Public Safety.

**SB 395**—Judiciary and Civil and Criminal Jurisprudence.

**SB 396**—Insurance and Banking.

**SB 397**—Local Government and Elections.

**SB 398**—Judiciary and Civil and Criminal Jurisprudence.

**SB 399**—Ways and Means.

**SB 400**—Professional Registration.

**SB 401**—Education.

**SB 402**—Local Government and Elections.

**SB 403**—Transportation, Infrastructure and Public Safety.

**SB 404**—Small Business and Industry.

**SB 405**—Veterans and Military Affairs.

**SB 406**—Health and Pensions.

**SB 407**—Education.

**SB 408**—Agriculture, Food Production and Outdoor Resources.

**SB 409**—Local Government and Elections.

### **INTRODUCTIONS OF GUESTS**

Senator Holsman introduced to the Senate, Abiye Okah, Kansas City.

The President introduced to the Senate, former Lieutenant Governor Peter Kinder.

Senator Riddle introduced to the Senate, Dr. John and Melissa King, Texas.

Senator Schatz introduced to the Senate, former State Senator John Cauthorn, Mexico.

Senator Emery introduced to the Senate, the Physician of the Day, Dr. Warren Lovinger, Nevada.

Senator Luetkemeyer introduced to the Senate, eighth-grade students from St. Joseph Christian School.

Senator Holsman introduced to the Senate, Paul Rempinski, Kansas City.

On motion of Senator Rowden, the Senate adjourned until 4:00 p.m., Monday, March 4, 2019.

## SENATE CALENDAR

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THIRTIETH DAY—MONDAY, MARCH 4, 2019

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 410-Koenig	SB 434-Riddle
SB 411-Romine	SB 435-White
SB 412-Holsman	SB 436-Hoskins
SB 413-Sater	SB 437-Hoskins
SB 414-Wieland	SB 438-Brown
SB 415-Bernskoetter	SB 439-Brown
SB 416-Bernskoetter	SB 440-Brown
SB 417-White	SB 441-Hough
SB 418-White	SB 442-Wieland
SB 419-Riddle	SB 443-Schupp
SB 420-Riddle	SB 444-Schupp
SB 421-Wallingford	SB 445-Arthur
SB 422-White	SB 446-Arthur
SB 423-Cunningham	SB 447-Emery
SB 424-Luetkemeyer	SB 448-Sater
SB 425-Cierpiot	SB 449-Sater
SB 426-Williams	SB 450-Williams
SB 427-Wieland	SB 451-Riddle
SB 428-Hough	SB 452-Curls
SB 429-Wallingford	SB 453-Hough
SB 430-Libla	SB 454-Hegeman
SB 431-Schatz	SB 455-Holsman
SB 432-Sifton	SB 456-Schupp
SB 433-Onder	SB 457-Curls



SB 458-May	SB 493-May
SB 459-Nasheed	SB 494-Emery
SB 460-O'Laughlin	SB 495-Emery
SB 461-O'Laughlin	SB 496-Emery
SB 462-Arthur	SB 497-O'Laughlin
SB 463-Burlison	SB 498-Burlison
SB 464-Burlison	SB 499-Burlison
SB 465-Burlison	SB 500-Burlison
SB 466-White	SB 501-Riddle
SB 467-Onder	SB 502-Bernskoetter
SB 468-Williams	SB 503-Crawford
SB 469-Walsh	SB 504-Crawford
SB 470-Riddle	SB 505-Brown
SB 471-Crawford	SB 506-Brown
SB 472-Crawford	SB 507-Hough
SB 473-Bernskoetter	SB 508-Hough
SB 474-Bernskoetter	SB 509-Hough
SB 475-Cunningham	SB 510-Hough
SB 476-Brown	SB 511-Williams
SB 477-Brown	SB 512-Hegeman
SB 478-Holsman	SB 513-Sater
SB 479-Onder	SB 514-Sater
SB 480-Schupp	SB 515-Sater
SB 481-Hoskins	SB 516-Cunningham
SB 482-Hoskins	SB 517-Riddle
SB 483-Hoskins	SB 518-Curls
SB 484-Hoskins	SJR 22-Nasheed
SB 485-Hoskins	SJR 23-Eigel
SB 486-Williams	SJR 24-Cierpiot
SB 487-Libla	SJR 25-Libla
SB 488-Rizzo	SJR 26-Holsman
SB 489-Rizzo	SJR 27-Eigel
SB 490-Rizzo	SJR 28-Holsman
SB 491-Rizzo	SJR 29-Schatz
SB 492-May	SJR 30-Burlison

#### HOUSE BILLS ON SECOND READING

HB 445-Dogan	HB 72-Tate
HB 188-Rehder	HCS for HB 185
HB 182-Shull	HCS for HB 255
HB 280-Ruth	HB 214-Trent
HB 108-Sommer	HB 77-Black

HCS for HB 447  
 HCS for HBs 243 & 544  
 HB 283-Anderson  
 HCS for HB 324  
 HB 113-Smith  
 HB 321-Solon  
 HB 402-Basye  
 HCS for HB 242  
 HCS for HB 303  
 HB 70-Dinkins  
 HB 461-Pfautsch

HCS for HB 239  
 HCS for HB 354  
 HB 441-Fitzwater  
 HB 138-Kidd  
 HB 126-Schroer  
 HCS for HB 207  
 HCS for HBs 743 & 673  
 HCS for HB 678  
 HB 219-Wood  
 HB 599-Bondon

### THIRD READING OF SENATE BILLS

SB 196-Bernskoetter (In Fiscal Oversight)  
 SS#2 for SB 7-Emery (In Fiscal Oversight)

SS#2 for SCS for SB 194-Hoskins

### SENATE BILLS FOR PERFECTION

1. SB 132-Emery, with SCS
2. SB 65-White
3. SB 100-Riddle
4. SB 69-Hough
5. SB 291-Wallingford, with SCS
6. SB 252-Wieland, with SCS
7. SB 167-Crawford, with SCS
8. SB 45-Hoskins, with SCS
9. SB 292-Eigel, with SCS
10. SB 213-Hegeman
11. SB 184-Wallingford, with SCS
12. SB 283-Hoskins
13. SB 180-Wallingford, with SCS
14. SB 10-Cunningham, with SCS
15. SB 224-Luetkemeyer
16. SBs 12 & 123-Cunningham, with SCS
17. SB 9-Emery, with SCS
18. SJR 2-Emery, with SCS
19. SB 202-Romine
20. SB 101-Riddle, with SCS

21. SB 230-Crawford, with SCS
22. SB 168-Wallingford, with SCS
23. SB 19-Libla
24. SB 201-Romine
25. SB 138-Riddle
26. SB 264-Crawford
27. SB 219-Hoskins, with SCS
28. SB 71-Brown
29. SB 108-Koenig, with SCS
30. SB 87-Wallingford
31. SB 174-Crawford, with SCS
32. SB 52-Eigel, with SCS
33. SB 145-Burlison
34. SJR 1-Sater and Onder
35. SB 5-Sater, et al, with SCS
36. SB 222-Hough
37. SB 218-Hoskins
38. SB 306-White
39. SB 297-White
40. SJR 13-Holsman, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 4-Sater	SBs 46 & 50-Koenig, with SCS
SB 14-Wallingford	SB 49-Rowden, with SCS
SB 16-Romine, with SCS, SS for SCS, SA 3 & point of order (pending)	SB 56-Cierpiot, with SCS, SA 1 & SA 1 to SA 1 (pending)
SB 30-Hegeman, with SCS	SB 57-Cierpiot
SB 39-Onder	SB 76-Sater, with SCS (pending)
SB 44-Hoskins, with SCS & SS for SCS (pending)	SB 154-Luetkemeyer, with SS & SA 2 (pending)
	SB 160-Koenig, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 131-Emery, with SCS	SB 54-Crawford
SB 103-Schupp	

Reported 2/14

SB 83-Cunningham, with SCS	SB 164-Schupp
SB 179-Cunningham	SB 84-Cunningham

Reported 2/21

SB 147-Sater, with SCS	SB 267-Wieland, with SCS
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Reported 2/28

SB 206-Arthur	SB 210-May
SB 152-Holsman	SB 68-Hough
SB 204-Riddle	SB 211-Wallingford

## RESOLUTIONS

SR 20-Holsman

SR 312-Holsman

## Reported from Committee

SCR 1-Walsh  
SCR 13-EmerySCR 14-Schatz  
SR 254-Cunningham

## To be Referred

SCR 21-May

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# Journal of the Senate

## FIRST REGULAR SESSION

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**THIRTIETH DAY—MONDAY, MARCH 4, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“I give thanks to you, O Lord my God, with my whole heart: and I will glorify your name forever.” (Psalm 86:12)

O Lord our God we give You thanks for bringing us safely here and with the glorious sun shining forth and a cold nib to keep us awake and enjoying the beauty of this new day and the start of a new week. May we always give You thanks for all Your gifts to us and the work we have to do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 28, 2019 was read and approved.

The following Senators were present during the day’s proceedings:

**Present—Senators**

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

**Absent—Senators—None**

**Absent with leave—Senator Nasheed —1**

**Vacancies—None**

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Holsman offered Senate Resolution No. 337, regarding Eliza Shaffer, which was adopted.

Senator White offered Senate Resolution No. 338, regarding Grace Episcopal Church, Carthage, which was adopted.

Senator Hegeman offered Senate Resolution No. 339, regarding Cora Belle Yount, Mound City, which was adopted.

Senator Cunningham offered Senate Resolution No. 340, regarding Peggy Flood, Thayer, which was adopted.

Senator White offered Senate Resolution No. 341, regarding Michael Eads, Neosho, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 342, regarding Allyah Smith, which was adopted.

Senator Hoskins offered Senate Resolution No. 343, regarding Main Street Chillicothe, which was adopted.

Senator Williams offered Senate Resolution No. 344, regarding John Henry “Jack” Sim Sr., St. John, which was adopted.

Senator Williams offered Senate Resolution No. 345, regarding the Ninety-third Birthday of Fannie Pearl Simril, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 346, regarding Logan Markley, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 347, regarding David Allen Bruner, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 348, regarding Franco-American Society of Draguignan, France, which was adopted.

Senator White offered Senate Resolution No. 349, regarding Cayden Auch, which was adopted.

Senator White offered Senate Resolution No. 350, regarding Braxton Barnes, which was adopted.

Senator White offered Senate Resolution No. 351, regarding Class 3 State Champion Neosho High School Wrestling Team, which was adopted.

Senator Brown offered Senate Resolution No. 352, regarding John Brown, which was adopted.

Senator Hoskins offered Senate Resolution No. 353, regarding Lydia Grumke, Warrensburg, which was adopted.

Senator Hoskins offered Senate Resolution No. 354, regarding Maddie Morgan, Warrensburg, which was adopted.

Senator Hoskins offered Senate Resolution No. 355, regarding Allison Adlich, Warrensburg, which was adopted.

Senator Hoskins offered Senate Resolution No. 356, regarding Chandler Gloyd, Kirkwood, which was adopted.

Senator Sater offered Senate Resolution No. 357, regarding Mid-America Dental and Hearing Center,

which was adopted.

### **CONCURRENT RESOLUTIONS**

Senator Holsman offered the following concurrent resolution:

#### **SENATE CONCURRENT RESOLUTION NO. 22**

Whereas, motorcycle ridership has continued to increase over time with registrations growing from 3,826,373 in 1997 to 8,600,936 in 2015; and

Whereas, as of August 2016, the ongoing National Motorcycle Profiling Survey 2016, conducted by the Motorcycle Profiling Project, found that approximately one-half of the motorcyclists surveyed felt that they had been profiled by law enforcement at least once; and

Whereas, motorcycle profiling means the illegal use of the fact that a person rides a motorcycle or wears motorcycle related apparel as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle, with or without legal basis under the Constitution of the United States; and

Whereas, complaints surrounding motorcycle profiling have been cited in all fifty states; and

Whereas, nationwide protests to raise awareness and combat motorcycle profiling have been held in multiple states:

Now, Therefore, Be It Resolved that the members of the Missouri Senate, One-hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby:

(1) Support increased public awareness on the issue of motorcycle profiling;

(2) Encourage collaboration and communication with the motorcycle community and law enforcement to engage in efforts to end motorcycle profiling; and

(3) Urge law enforcement officials to include statements condemning motorcycle profiling in written policies and training materials; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for each law enforcement agency in the state of Missouri.

### **REPORTS OF STANDING COMMITTEES**

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Fiscal Oversight, to which was referred **SS No. 2** for **SB 7**, begs leave to report that it has considered the same and recommends that the bill do pass.

### **SENATE BILLS FOR PERFECTION**

At the request of Senator Emery, **SB 132**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator White, **SB 65** was placed on the Informal Calendar.

At the request of Senator Riddle, **SB 100** was placed on the Informal Calendar.

At the request of Senator Hough, **SB 69** was placed on the Informal Calendar.

Senator Wallingford moved that **SB 291**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 291**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 291**

An Act to repeal sections 190.292, 190.335, 190.460, and 650.330, RSMo, and to enact in lieu thereof four new sections relating to emergency communication services, with an emergency clause.

Was taken up.

Senator Wallingford moved that **SCS** for **SB 291** be adopted.

Senator Wallingford offered **SS** for **SCS** for **SB 291**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 291

An Act to repeal sections 190.292, 190.335, 190.460, and 650.330, RSMo, and to enact in lieu thereof four new sections relating to emergency communication services, with an emergency clause.

Senator Wallingford moved that **SS** for **SCS** for **SB 291** be adopted.

Senator Wallingford offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 291, Page 20, Section 190.460, Line 9 of said page, by inserting after all of said line the following:

**“190.462. 1. As used in this section, the following terms mean:**

**(1) “All retail sales subject to sales tax”, tangible personal property and services subject to the tax imposed by sections 190.292 or 190.335;**

**(2) “General retailer”, a person making a sale at retail as defined in section 144.010;**

**(3) “Taxpayer”, a person who pays the tax imposed under sections 190.292 or 190.335.**

**2. (1) If a court of competent jurisdiction issues a declaratory ruling prior to the effective date of this section that the taxes imposed under sections 190.292 or 190.335 are pre-empted by the provisions of subsection 5 of section 190.460 on all retail sales subject to sales tax in a taxing jurisdiction that did not opt out of the collection of the prepaid wireless emergency telephone service charge:**

**(a) A seller or general retailer who collected and remitted the tax imposed under sections 190.292 or 190.335 on all retail sales subject to sales tax in a taxing jurisdiction that did not opt out of such tax under the provisions of subsection 6 of section 190.460, shall not be required to refund such taxes to taxpayers;**

**(b) All requests for refunds by taxpayers shall be made directly to the taxing jurisdiction. The department of revenue shall develop procedures and forms for taxpayers requesting refunds from taxing jurisdictions;**

**(c) This subsection applies to taxes collected between January 1, 2019, and the first day of the calendar month following a declaratory ruling by a court of competent jurisdiction that the taxes imposed under sections 190.292 or 190.335 are pre-empted by the provisions of subsection 5 of section 190.460 on all retail sales subject to sales tax in taxing jurisdictions that did not opt out of the collection of the prepaid wireless emergency telephone service charge.**

**(2) If this section goes into effect prior to a court of competent jurisdiction issuing a declaratory ruling, then the provisions of paragraphs (a) and (b) of subdivision (1) of this subsection shall apply**



from January 1, 2019, until the effective date of this section.

**3. (1) If a court of competent jurisdiction issues a declaratory ruling prior to the effective date of this section that the taxes imposed under sections 190.292 or 190.335 are pre-empted by the provisions of subsection 5 of section 190.460 only on sales of prepaid wireless telecommunications services in a taxing jurisdiction that did not opt out of the collection of the prepaid wireless emergency telephone service charge:**

**(a) A seller or other retailer who did not collect the tax imposed under sections 190.292 or 190.335 on the retail sale of wireless telecommunications service and wireless devices associated therewith shall not be liable for any assessment or incur any other liability on such uncollected taxes;**

**(b) This subsection applies to assessments for the period beginning January 1, 2019, and ending on the first day of the calendar month following a declaratory ruling by a court of competent jurisdiction that the taxes imposed by under sections 190.292 or 190.335 are pre-empted by the provisions of subsection 5 of section 190.460 only on sales of prepaid wireless telecommunications services in a taxing jurisdiction that did not opt out of the collection of the prepaid wireless emergency telephone service charge.**

**(2) If this section takes effect prior to a court of competent jurisdiction issuing a declaratory ruling, then the provisions of paragraphs (a) and (b) of subdivision (1) of this subsection shall apply from January 1, 2019, until the effective date of this section.**

**4. This section shall expire on January 1, 2023.”; and**

Further amend the title and enacting clause accordingly.

Senator Wallingford moved that **SA 1** be adopted, which motion prevailed.

Senator Cierpiot offered **SA 2**, which was read:

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 291, Page 20, Section 190.460, Lines 8-9 of said page, by striking all of said lines.

Senator Cierpiot moved that **SA 2** be adopted.

At the request of Senator Cierpiot, the above amendment was withdrawn.

Senator Emery offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 291, Page 12, Section 190.335, Line 6 of said page, by inserting after “section” the following: “**prior to January 1, 2012**”; and further amend line 7 of said page, by striking: “ten years”.

Senator Emery moved that **SA 3** be adopted, which motion prevailed.

Senator Wieland offered **SA 4**:

## SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 291, Page 5, Section 190.292, Line 25 of said page, by inserting immediately after said line the following:

“190.327. 1. Immediately upon the decision by the commission to utilize a portion of the emergency telephone tax for central dispatching and an affirmative vote of the telephone tax, the commission shall appoint the initial members of a board which shall administer the funds and oversee the provision of central dispatching for emergency services in the county and in municipalities and other political subdivisions which have contracted for such service. Beginning with the general election in 1992, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish to the board and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency telephone service and in chapter 321, with regard to the provision of central dispatching service, and such duties shall be exercised by the board.

2. Elections for board members may be held on general municipal election day, as defined in subsection 3 of section 115.121, after approval by a simple majority of the county commission.

3. For the purpose of providing the services described in this section, the board shall have the following powers, authority and privileges:

(1) To have and use a corporate seal;

(2) To sue and be sued, and be a party to suits, actions and proceedings;

(3) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the board;

(4) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property, including leases and easements;

(5) To have the management, control and supervision of all the business affairs of the board and the construction, installation, operation and maintenance of any improvements;

(6) To hire and retain agents and employees and to provide for their compensation including health and pension benefits;

(7) To adopt and amend bylaws and any other rules and regulations;

(8) To fix, charge and collect the taxes and fees authorized by law for the purpose of implementing and operating the services described in this section;

(9) To pay all expenses connected with the first election and all subsequent elections; and

(10) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this subsection. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of sections 190.300 to 190.329.

4. (1) Notwithstanding the provisions of subsections 1 and 2 of this section to the contrary, the county

commission may elect to appoint the members of the board to administer the funds and oversee the provision of central dispatching for emergency services in the counties, municipalities, and other political subdivisions which have contracted for such service upon the request of the municipalities and other political subdivisions. Upon appointment of the initial members of the board, the commission shall relinquish all powers and duties to the board and no longer exercise the duties prescribed in this chapter with regard to the provision of central dispatching service and such duties shall be exercised by the board.

(2) The board shall consist of seven members appointed without regard to political affiliation. The members shall include:

(a) Five members who shall serve for so long as they remain in their respective county or municipal positions as follows:

a. The county sheriff, or his or her designee;

b. The heads of the municipal police department who have contracted for central dispatching service in the two largest municipalities wholly contained within the county, or their designees; or

c. The heads of the municipal fire departments or fire divisions who have contracted for central dispatching service in the two largest municipalities wholly contained within the county, or their designees;

(b) Two members who shall serve two-year terms appointed from among the following:

a. The head of any of the county's fire protection districts who have contracted for central dispatching service, or his or her designee;

b. The head of any of the county's ambulance districts who have contracted for central dispatching service, or his or her designee;

c. The head of any of the municipal police departments located in the county who have contracted for central dispatching service, or his or her designee, excluding those mentioned in subparagraph b. of paragraph (a) of this subdivision; and

d. The head of any of the municipal fire departments in the county who have contracted for central dispatching service, or his or her designee, excluding those mentioned in subparagraph c. of paragraph (a) of this subdivision.

(3) Upon the appointment of the board under this subsection, the board shall have the powers provided in subsection 3 of this section and the commission shall relinquish all powers and duties relating to the provision of central dispatching service under this chapter to the board.

**5. An emergency services board originally organized under section 190.325 operating within a county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants shall not have a sales tax for emergency services or for providing central dispatching for emergency services greater than one-quarter of one percent. If on the effective date of this section such tax is greater than one-quarter of one percent, the board shall lower the tax rate.”; and**

Further amend said bill, page 17, section 190.460, line 28 of said page, by inserting immediately after

“board” the following: “, **except for an emergency services board originally organized under section 190.325 operating within a county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, in which case the funds shall be remitted to the county’s general fund for the purpose of public safety infrastructure**”; and

Further amend the title and enacting clause accordingly.

Senator Wieland moved that **SA 4** be adopted, which motion prevailed.

Senator Cierpiot offered **SA 5**, which was read:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 291, Page 20, Section 190.460, Lines 8-9 of said page, by striking all of said lines.

Senator Cierpiot moved that **SA 5** be adopted, which motion prevailed.

At the request of Senator Wallingford, **SB 291**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

### THIRD READING OF SENATE BILLS

**SS No. 2** for **SB 7**, introduced by Senator Emery, entitled:

#### SENATE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 7

An Act to repeal sections 507.040, 507.050, 508.010, 508.012, and 537.762, RSMo, and to enact in lieu thereof ten new sections relating to civil procedure.

Was taken up.

On motion of Senator Emery, **SS No. 2** for **SB 7** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Eigel
Emery	Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer
O’Laughlin	Onder	Riddle	Romine	Rowden	Sater	Schatz
Wallingford	White	Wieland—24				

#### NAYS—Senators

Arthur	Curls	Holsman	Rizzo	Schupp	Walsh	Williams—7
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#### Absent—Senators

May	Sifton—2
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Absent with leave—Senator Nasheed—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Emery, title to the bill was agreed to.

Senator Emery moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 225**, entitled:

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to workforce incentive grants.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 260**, entitled:

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to poaching, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 192**, entitled:

An Act to repeal sections 543.270 and 558.006, RSMo, and to enact in lieu thereof two new sections relating to the payment of fines, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 588**, entitled:

An Act to repeal sections 264.061, 266.031, 266.165, 266.190, 281.035, 281.037, 281.038, 281.050, and 281.260, RSMo, and to enact in lieu thereof eleven new sections relating to fees charged by the department of agriculture.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 114**, entitled:

An Act to repeal sections 217.735 and 589.414, RSMo, and to enact in lieu thereof two new sections relating to electronic monitoring of certain sexual offenders while relocating.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 333**, entitled:

An Act to repeal sections 135.090, 143.121, and 148.064, RSMo, and to enact in lieu thereof three new sections relating to taxation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 469**, entitled:

An Act to repeal sections 620.800, 620.803, 620.806, 620.809, and 620.2475, RSMo, and to enact in lieu thereof five new sections relating to the Missouri one start program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## **RESOLUTIONS**

Senator Sifton offered Senate Resolution No. 358, regarding Rachel Solverud, which was adopted.

## **COMMUNICATIONS**

Senator Walsh submitted the following:

March 4, 2019

Adriane Crouse – Secretary of the Senate  
State Capitol, Room 325  
Jefferson City, Missouri 65101

Dear Adriane:

Pursuant to the provisions of section 21.771 RSMo, I hereby appoint Senator Karla May to the Joint Committee on Child Abuse and Neglect.

Sincerely,



Gina Walsh

## **INTRODUCTION OF GUESTS**

Senator Williams introduced to the Senate, former State Senator Pat Dougherty, Herculanum.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

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THIRTY-FIRST DAY—TUESDAY, MARCH 5, 2019

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 410-Koenig	SB 445-Arthur
SB 411-Romine	SB 446-Arthur
SB 412-Holsman	SB 447-Emery
SB 413-Sater	SB 448-Sater
SB 414-Wieland	SB 449-Sater
SB 415-Bernskoetter	SB 450-Williams
SB 416-Bernskoetter	SB 451-Riddle
SB 417-White	SB 452-Curls
SB 418-White	SB 453-Hough
SB 419-Riddle	SB 454-Hegeman
SB 420-Riddle	SB 455-Holsman
SB 421-Wallingford	SB 456-Schupp
SB 422-White	SB 457-Curls
SB 423-Cunningham	SB 458-May
SB 424-Luetkemeyer	SB 459-Nasheed
SB 425-Cierpiot	SB 460-O'Laughlin
SB 426-Williams	SB 461-O'Laughlin
SB 427-Wieland	SB 462-Arthur
SB 428-Hough	SB 463-Burlison
SB 429-Wallingford	SB 464-Burlison
SB 430-Libla	SB 465-Burlison
SB 431-Schatz	SB 466-White
SB 432-Sifton	SB 467-Onder
SB 433-Onder	SB 468-Williams
SB 434-Riddle	SB 469-Walsh
SB 435-White	SB 470-Riddle
SB 436-Hoskins	SB 471-Crawford
SB 437-Hoskins	SB 472-Crawford
SB 438-Brown	SB 473-Bernskoetter
SB 439-Brown	SB 474-Bernskoetter
SB 440-Brown	SB 475-Cunningham
SB 441-Hough	SB 476-Brown
SB 442-Wieland	SB 477-Brown
SB 443-Schupp	SB 478-Holsman
SB 444-Schupp	SB 479-Onder

SB 480-Schupp	SB 504-Crawford
SB 481-Hoskins	SB 505-Brown
SB 482-Hoskins	SB 506-Brown
SB 483-Hoskins	SB 507-Hough
SB 484-Hoskins	SB 508-Hough
SB 485-Hoskins	SB 509-Hough
SB 486-Williams	SB 510-Hough
SB 487-Libla	SB 511-Williams
SB 488-Rizzo	SB 512-Hegeman
SB 489-Rizzo	SB 513-Sater
SB 490-Rizzo	SB 514-Sater
SB 491-Rizzo	SB 515-Sater
SB 492-May	SB 516-Cunningham
SB 493-May	SB 517-Riddle
SB 494-Emery	SB 518-Curls
SB 495-Emery	SJR 22-Nasheed
SB 496-Emery	SJR 23-Eigel
SB 497-O'Laughlin	SJR 24-Cierpiot
SB 498-Burlison	SJR 25-Libla
SB 499-Burlison	SJR 26-Holsman
SB 500-Burlison	SJR 27-Eigel
SB 501-Riddle	SJR 28-Holsman
SB 502-Bernskoetter	SJR 29-Schatz
SB 503-Crawford	SJR 30-Burlison

#### HOUSE BILLS ON SECOND READING

HB 445-Dogan	HB 402-Basye
HB 188-Rehder	HCS for HB 242
HB 182-Shull	HCS for HB 303
HB 280-Ruth	HB 70-Dinkins
HB 108-Sommer	HB 461-Pfautsch
HB 72-Tate	HCS for HB 239
HCS for HB 185	HCS for HB 354
HCS for HB 255	HB 441-Fitzwater
HB 214-Trent	HB 138-Kidd
HB 77-Black	HB 126-Schroer
HCS for HB 447	HCS for HB 207
HCS for HBs 243 & 544	HCS for HBs 743 & 673
HB 283-Anderson	HCS for HB 678
HCS for HB 324	HB 219-Wood
HB 113-Smith	HB 599-Bondon
HB 321-Solon	HCS for HB 225



HB 260-Taylor  
HCS for HB 192  
HB 588-Rone

HB 114-Pietzman  
HCS for HB 333  
HCS for HB 469

THIRD READING OF SENATE BILLS

SB 196-Bernskoetter (In Fiscal Oversight)

SS#2 for SCS for SB 194-Hoskins

SENATE BILLS FOR PERFECTION

1. SB 252-Wieland, with SCS  
2. SB 167-Crawford, with SCS  
3. SB 45-Hoskins, with SCS  
4. SB 292-Eigel, with SCS  
5. SB 213-Hegeman  
6. SB 184-Wallingford, with SCS  
7. SB 283-Hoskins  
8. SB 180-Wallingford, with SCS  
9. SB 10-Cunningham, with SCS  
10. SB 224-Luetkemeyer  
11. SBs 12 & 123-Cunningham, with SCS  
12. SB 9-Emery, with SCS  
13. SJR 2-Emery, with SCS  
14. SB 202-Romine  
15. SB 101-Riddle, with SCS  
16. SB 230-Crawford, with SCS  
17. SB 168-Wallingford, with SCS  
18. SB 19-Libla

19. SB 201-Romine  
20. SB 138-Riddle  
21. SB 264-Crawford  
22. SB 219-Hoskins, with SCS  
23. SB 71-Brown  
24. SB 108-Koenig, with SCS  
25. SB 87-Wallingford  
26. SB 174-Crawford, with SCS  
27. SB 52-Eigel, with SCS  
28. SB 145-Burlison  
29. SJR 1-Sater and Onder  
30. SB 5-Sater, et al, with SCS  
31. SB 222-Hough  
32. SB 218-Hoskins  
33. SB 306-White  
34. SB 297-White  
35. SJR 13-Holsman, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 4-Sater  
SB 14-Wallingford  
SB 16-Romine, with SCS, SS for SCS, SA 3  
& point of order (pending)  
SB 30-Hegeman, with SCS

SB 39-Onder  
SB 44-Hoskins, with SCS & SS for SCS  
(pending)  
SBs 46 & 50-Koenig, with SCS  
SB 49-Rowden, with SCS

SB 56-Cierpiot, with SCS, SA 1 & SA 1 to SA 1  
(pending)

SB 57-Cierpiot

SB 65-White

SB 69-Hough

SB 76-Sater, with SCS (pending)

SB 100-Riddle

SB 132-Emery, with SCS

SB 154-Luetkemeyer, with SS & SA 2 (pending)

SB 160-Koenig, with SCS

SB 291-Wallingford, with SCS & SS for SCS  
(pending)

## CONSENT CALENDAR

### Senate Bills

#### Reported 2/7

SB 131-Emery, with SCS

SB 103-Schupp

SB 54-Crawford

#### Reported 2/14

SB 83-Cunningham, with SCS

SB 179-Cunningham

SB 164-Schupp

SB 84-Cunningham

#### Reported 2/21

SB 147-Sater, with SCS

SB 267-Wieland, with SCS

#### Reported 2/28

SB 206-Arthur

SB 152-Holsman

SB 204-Riddle

SB 210-May

SB 68-Hough

SB 211-Wallingford

## RESOLUTIONS

SR 20-Holsman

SR 312-Holsman

Reported from Committee

SCR 1-Walsh  
SCR 13-Emery

SCR 14-Schatz  
SR 254-Cunningham

To be Referred

SCR 21-May

SCR 22-Holsman

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# Journal of the Senate

## FIRST REGULAR SESSION

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**THIRTY-FIRST DAY—TUESDAY, MARCH 5, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“He has described a circle on the face of the waters, at the boundary between light and darkness,” (Job 26:10)

Wondrous God, You have set limits on our world and especially on us and the time we have to do what You require of us. Like the sands in an hourglass that slowly run their course so is our time here at the Senate and in our life. May what we do with this time in relationships and the work we do and the time for play and rest be wise and in keeping with what You would have us do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	O’Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

Absent—Senators—None

Absent with leave—Senators

May Nasheed —2

Vacancies—None

The Lieutenant Governor was present.

Senator Libla requested unanimous consent of the Senate to withdraw **SB 487**, which request was granted.

**RESOLUTIONS**

Senator Schupp offered Senate Resolution No. 359, regarding George A. Souris, Maryland Heights, which was adopted.

Senator Schupp offered Senate Resolution No. 360, regarding Marshall James Phillips, St. Louis, which was adopted.

Senator Schupp offered Senate Resolution No. 361, regarding Michael “Mike” Ehnatko, Chesterfield, which was adopted.

Senator Schupp offered Senate Resolution No. 362, regarding Bart Oliver “Skeeter” Coleman, Ballwin, which was adopted.

Senator Hoskins offered Senate Resolution No. 363, regarding Lydia Grumke, Warrensburg, which was adopted.

Senator Hoskins offered Senate Resolution No. 364, regarding Allison Adlich, Warrensburg, which was adopted.

Senator Hoskins offered Senate Resolution No. 365, regarding Maddie Morgan, Warrensburg, which was adopted.

Senator Libla offered Senate Resolution No. 366, regarding Todd Richardson, which was adopted.

Senator Holsman moved that **SR 312** be taken up for adoption, which motion prevailed.

On motion of Senator Holsman, **SR 312** was adopted by the following vote:

**YEAS—Senators**

Arthur	Bernskoetter	Burlison	Cierpiot	Cunningham	Curls	Eigel
Holsman	Hoskins	Koenig	Libla	Onder	Rizzo	Romine
Rowden	Schatz	Schupp	Sifton	Walsh	Wieland	Williams—21

**NAYS—Senators**

Brown	Crawford	Emery	Hegeman	Hough	Luetkemeyer	O’Laughlin
Riddle	Sater	Wallingford—10				

Absent—Senator White—1

Absent with leave—Senators

May Nasheed—2

Vacancies—None

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 18**.

HOUSE CONCURRENT RESOLUTION NO. 18

WHEREAS, the United States military has five branches that offer Junior Reserve Officer Training Corps (JROTC): the Marine Corps, Army, Navy, Air Force, and Coast Guard; and

WHEREAS, JROTC courses are offered at over three thousand high schools across the United States; and

WHEREAS, participation in the elective JROTC courses does not require students to join the military; and

WHEREAS, JROTC courses are not military-preparation courses but teach life skills that are not instilled in many of today's youth: taking orders, punctuality, responsibility, personal hygiene, physical fitness, and respect; and

WHEREAS, JROTC courses provide leadership skills and opportunity for underprivileged youth across the state, especially in inner cities; and

WHEREAS, students who participate in JROTC receive the opportunity to use firearms correctly and safely as part of firearms training; and

WHEREAS, many students in rural areas have no access to JROTC courses due to an insufficient number of schools offering JROTC courses and the locations of current JROTC programs, and all Missouri high school students deserve the opportunity to enroll in a JROTC course, regardless of the location of their school; and

WHEREAS, students deserve access to JROTC courses because the JROTC program creates better, stronger youth; JROTC courses increase the confidence and self-esteem of participants; graduation rates of students in JROTC courses are exponentially higher than the graduation rates of students not enrolled in a JROTC course in their respective schools; attendance rates of students in JROTC courses are higher than those of students not enrolled in a JROTC course; and the grade point averages of students enrolled in JROTC courses are higher than those of students not enrolled in a JROTC course; and

WHEREAS, the United States Department of Defense allocates funds to schools and school districts to support JROTC courses:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the One Hundredth General Assembly, First Regular Session, the Senate concurring therein, hereby urge all public schools in Missouri school districts to take the necessary steps to institute JROTC courses in their schools; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for each superintendent of a Missouri school district and the United States Representatives and Senators for the State of Missouri.

In which the concurrence of the Senate is respectfully requested.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by President Kehoe.

**REPORTS OF STANDING COMMITTEES**

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 210**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 211**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

**SECOND READING OF CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

**SCR 21**—Rules, Joint Rules, Resolutions and Ethics.

### **REFERRALS**

President Pro Tem Schatz referred **SCR 22** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **SENATE BILLS FOR PERFECTION**

At the request of Senator Wieland, **SB 252**, with **SCS**, was placed on the Informal Calendar.

Senator Crawford moved that **SB 167**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 167**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 167**

An Act to repeal section 107.170, RSMo, and to enact in lieu thereof one new section relating to contracts for construction services.

Was taken up.

Senator Crawford moved that **SCS** for **SB 167** be adopted.

Senator Crawford offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Bill No. 167, Page 1, Section 107.170, Line 11, by striking “or”; and further amend line 14, by inserting after “property;” the following: “**or**”.

Senator Crawford moved that the above amendment be adopted, which motion prevailed.

Senator Crawford moved that **SCS** for **SB 167**, as amended, be adopted, which motion prevailed.

On motion of Senator Crawford, **SCS** for **SB 167**, as amended, was declared perfected and ordered printed.

Senator Hoskins moved that **SB 45**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 45**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 45**

An Act to repeal section 376.1224, RSMo, and to enact in lieu thereof one new section relating to health care for persons with disabilities.

Was taken up.

Senator Hoskins moved that **SCS** for **SB 45** be adopted, which motion prevailed.

On motion of Senator Hoskins, **SCS** for **SB 45** was declared perfected and ordered printed.

**SB 292**, with **SCS**, was placed on the Informal Calendar.

Senator Hegeman moved that **SB 213** be taken up for perfection, which motion prevailed.

Senator Hegeman offered **SS** for **SB 213**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 213

An Act to repeal section 105.483, RSMo, and to enact in lieu thereof five new sections relating to the nonpartisan state demographer, with penalty provisions.

Senator Hegeman moved that **SS** for **SB 213** be adopted.

Senator Sifton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 213, Page 4, Section 127.020, Line 24, by inserting after the word “kind” the following: “**in connection with the redistricting process**”; and further amend lines 25-28 by striking all of said lines and inserting in lieu thereof the following: “**(3) Employ, contract with, or delegate authority to, directly or indirectly, any other person or entity who is not a Missouri citizen to perform any work or analysis for the redistricting process or employ any attorney who is not licensed to practice law in the state of Missouri; or**”; and

Further amend said bill and section, page 5, lines 1-5 by striking all of said lines and inserting in lieu thereof the following: “**(4) Consider any written or oral communications in an ex parte manner from any person or entity seeking to influence the redistricting process.**”.

Senator Sifton moved that the above amendment be adopted.

Senator Hegeman offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 213, Page 4, Section 127.020, Line 24, by inserting after the word “kind” the following: “**in connection with the redistricting process or any political activity**”; and further amend line 28 by inserting after the word “process” the following: “**, provided the demographer may consult or request opinions from the attorney general**”.

Senator Hegeman moved that the above substitute amendment be adopted.

At the request of Senator Hegeman, **SB 213**, with **SS**, **SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

Senator Wallingford moved that **SB 291**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SCS** was again taken up.

Senator Curls offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 291, Page 12, Section 190.335, Line 18 of said page, by inserting immediately after said line the following:



“190.455. 1. Except as provided under subsection [9] **10** of this section, in lieu of the tax levy authorized under section 190.305 or 190.325, or the sales tax imposed under section 190.292 or 190.335, the governing body of any county, city not within a county, or home rule city with more than fifteen thousand but fewer than seventeen thousand inhabitants and partially located in any county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants may impose, by order or ordinance, a monthly fee on subscribers of any communications service that has been enabled to contact 911. The monthly fee authorized in this section shall not exceed one dollar and shall be assessed to the subscriber of the communications service, regardless of technology, based upon the number of active telephone numbers, or their functional equivalents or successors, assigned by the provider and capable of simultaneously contacting the public safety answering point; provided that, for multiline telephone systems and for facilities provisioned with capacity greater than a voice-capable grade channel or its equivalent, regardless of technology, the charge shall be assessed on the number of voice-capable grade channels as provisioned by the provider that allow simultaneous contact with the public safety answering point. Only one fee may be assessed per active telephone number, or its functional equivalent or successor, used to provide a communications service. No fee imposed under this section shall be imposed on more than one hundred voice-grade channels or their equivalent per person per location. Notwithstanding any provision of this section to the contrary, the monthly fee shall not be assessed on the provision of broadband internet access service. The fee shall be imposed solely for the purpose of funding 911 service in such county or city. The monthly fee authorized in this section shall be limited to one fee per device. The fee authorized in this section shall be in addition to all other taxes and fees imposed by law and may be stated separately from all other charges and taxes. The fee shall be the liability of the subscriber, not the provider, except that the provider shall be liable to remit all fees that the provider collects under this section.

2. No such order or ordinance adopted under this section shall become effective unless the governing body of the county or city submits to the voters residing within the county or city at a state general, primary, or special election a proposal to authorize the governing body to impose a fee under this section. The question submitted shall be in substantially the following form:

“Shall \_\_\_\_\_ (insert name of county or city) impose a monthly fee of \_\_\_\_\_ (insert amount) on a subscriber of any communications service that has been enabled to contact 911 for the purpose of funding 911 service in the \_\_\_\_\_ (county or city)?”.

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, the fee shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the fee. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, the fee shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

**3. Notwithstanding any provisions of this section to the contrary, the governing body of a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants shall put the question set forth in subsection 2 of this section before the voters of the county no later than the general election in 2020.**

4. Except as modified in this section, all provisions of sections 32.085 and 32.087 and subsection 7 of section 144.190 shall apply to the fee imposed under this section.

[4.] 5. All revenue collected under this section by the director of the department of revenue on behalf of the county or city, except for two percent to be withheld by the provider for the cost of administering the collection and remittance of the fee, and one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in the Missouri 911 service trust fund created under section 190.420. The director of the department of revenue shall remit such funds to the county or city on a monthly basis. The governing body of any such county or city shall control such funds remitted to the county or city unless the county or city has established an elected board for the purpose of administering such funds. In the event that any county or city has established a board under any other provision of state law for the purpose of administering funds for 911 service, such existing board may continue to perform such functions after the county or city has adopted the monthly fee under this section.

[5.] 6. Nothing in this section imposes any obligation upon a provider of a communications service to take any legal action to enforce the collection of the tax imposed in this section. The tax shall be collected in compliance, as applicable, with the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 to 124, as amended.

[6.] 7. Notwithstanding any other provision of law to the contrary, proprietary information submitted under this section shall only be subject to subpoena or lawful court order. Information collected under this section shall only be released or published in aggregate amounts that do not identify or allow identification of numbers of subscribers or revenues attributable to an individual communications service provider.

[7.] 8. Notwithstanding any other provision of law to the contrary, in no event shall any communications service provider, its officers, employees, assigns, agents, vendors, or anyone acting on behalf of such persons, be liable for any form of civil damages or criminal liability that directly or indirectly results from, or is caused by:

(1) An act or omission in the development, design, installation, operation, maintenance, performance, or provision of service to a public safety answering point or to subscribers that use such service, whether providing such service is required by law or is voluntary; or

(2) The release of subscriber information to any governmental entity under this section unless such act, release of subscriber information, or omission constitutes gross negligence, recklessness, or intentional misconduct.

Nothing in this section is intended to void or otherwise override any contractual obligation pertaining to equipment or services sold to a public safety answering point by a communications service provider. No cause of action shall lie in any court of law against any provider of communications service, commercial mobile service, or other communications-related service, or its officers, employees, assignees, agents, vendors, or anyone acting on behalf of such persons, for providing call location information concerning the user of any such service in an emergency situation to a law enforcement official or agency in order to respond to a call for emergency service by a subscriber, customer, or user of such service or for providing caller location information or doing a ping locate in an emergency situation that involves danger of death or serious physical injury to any person where disclosure of communications relating to the emergency is required without delay, whether such provision of information is required by law or voluntary.

[8.] 9. The fee imposed under this section shall not be imposed on customers who pay for service prospectively, including customers of prepaid wireless telecommunications service.

[9.] **10.** The fee imposed under this section shall not be imposed in conjunction with any tax imposed under section 190.292, 190.305, 190.325, or 190.335. No county or city shall simultaneously impose more than one tax authorized in this section or section 190.292, 190.305, 190.325, or 190.335. No fee imposed under this section shall be imposed on more than one hundred exchange access facilities or their equivalent per person per location. The fee imposed under this section shall not be imposed in conjunction with any tax imposed for central dispatching of emergency services in any home rule city with more than four hundred thousand inhabitants and located in more than one county or any county containing a portion of such city, and such city or counties shall not simultaneously impose more than one tax or fee for central dispatching of emergency services; provided however, if any such county approves the fee authorized under this section, collection of such fee shall be in lieu of any tax authorized for central dispatching of emergency services in the county and any portion of the city within the county.

[10.] **11.** No county or legally authorized entity shall submit a proposal to the voters of the county under this section or section 190.335 until either:

(1) All providers of emergency telephone service as defined in section 190.300 and public safety answering point operations within the county are consolidated into one public agency as defined in section 190.300 that provides emergency telephone service for the county, or such providers and the public safety answering point have entered into a shared services agreement for such services;

(2) The county develops a plan for consolidation of emergency telephone service, as defined in section 190.300, and public safety answering point operations within the county are consolidated into one public agency, as defined in section 190.300, that provides emergency telephone service for the county; or

(3) The county emergency services board, as defined in section 190.290, develops a plan for consolidation of emergency telephone service, as defined in section 190.300, and public safety answering point operations within the county that includes either consolidation or entering into a shared services agreement for such services, which shall be implemented on approval of the fee by the voters.

[11.] **12.** Any plan developed under subdivision (2) or (3) of subsection [10] **11** of this section shall be filed with the Missouri 911 service board under subsection 4 of section 650.330. Any plan that is filed under this subsection shall provide for the establishment of a joint emergency communications board as described in section 70.260 unless a joint emergency communication board or emergency services board for the area in question has been previously established. The director of the department of revenue shall not remit any funds as provided under this section until the department receives notification from the Missouri 911 service board that the county has filed a plan that is ready for implementation. If, after one year following the enactment of the fee described in subsection 1 of this section, the county has not complied with the plan that the county submitted under subdivision (2) or (3) of subsection [10] **11** of this section, but the county has substantially complied with the plan, the Missouri 911 service board may grant the county an extension of up to six months to comply with its plan. Not more than one extension may be granted to a county. The authority to impose the fee granted to the county in subsection 1 of this section shall be null and void if after one year following the enactment of the fee described in subsection 1 of this section the county has not complied with the plan and has not been granted an extension by the Missouri 911 service board, or if the six-month extension expires and the county has not complied with the plan.

[12.] **13.** Each county that does not have a public agency, as defined in section 190.300, that provides emergency telephone service as defined in section 190.300 for the county shall either:

(1) Enter into a shared-services agreement for providing emergency telephone services with a public agency that provides emergency telephone service, if such an agreement is feasible; or

(2) Form with one or more counties an emergency telephone services district in conjunction with any county with a public agency that provides emergency telephone service within the county. If such a district is formed under this subdivision, the governing body of such district shall be the county commissioners of each county within the district, and each county within such district shall submit to the voters of the county a proposal to impose the fee under this section.

[13.] **14.** A county operating joint or shared emergency telephone service, as defined in section 190.300, may submit to the voters of the county a proposal to impose the fee to support joint operations and further consolidation under this section.

[14.] **15.** All 911 fees shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 to 124, as amended.

[15.] **16.** Nothing in subsections [10,] 11, 12, [and] 13, **and 14** of this section shall apply to a county with a charter form of government where all public safety answering points within the county utilize a common 911 communication service as implemented by the appropriate local and county agencies prior to August 28, 2018.

[16.] **17.** Any home rule city with more than four hundred thousand inhabitants and located in more than one county and any county in which it is located shall establish an agreement regarding the allocation of anticipated revenue created upon passage of a ballot proposition submitted to the voters as provided for in sections 190.292, 190.305, 190.325, 190.335, and 190.455, as well as revenue provided based upon section 190.460 and the divided costs related to regional 911 services. The allocation and actual expenses of the regional 911 service shall be determined based upon the percentage of residents of each county who also reside in the home rule city. The agreement between the counties and the home rule city may either be between the individual counties and the home rule city or jointly between all entities. The agreement to divide costs and revenue as required in this section shall not take effect until the passage of a ballot proposition as provided for in section 190.292, 190.305, 190.325, 190.335, or 190.455. The population shall be determined based upon the most recent decennial census. This subsection shall not apply to a county of the first classification without a charter form of government and with less than five percent of its population living in any home rule city with more than four hundred thousand inhabitants and located in more than one county.”; and

Further amend the title and enacting clause accordingly.

Senator Curls moved that the above amendment be adopted, which motion prevailed.

Senator Wallingford moved that **SS for SCS for SB 291**, as amended, be adopted, which motion prevailed.

On motion of Senator Wallingford, **SS for SCS for SB 291**, as amended, was declared perfected and ordered printed.

Senator Hough assumed the Chair.

## **REPORTS OF STANDING COMMITTEES**

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted

the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 167** and **SCS** for **SB 45**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### **MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor, reading of which was waived:

GOVERNOR  
STATE OF MISSOURI  
March 5, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lieutenant Colonel Eric T. Olson, 1908 Quail Drive, Macon, Macon County, Missouri 63552, as Superintendent of the Missouri State Highway Patrol, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,  
Michael L. Parson  
Governor

On motion of Senator Rowden, the Senate recessed until 6:45 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Hough.

### **RESOLUTIONS**

Senator Sifton offered Senate Resolution No. 367, regarding Emma Kathryn Wieberg, which was adopted.

Senator Holsman offered Senate Resolution No. 368, regarding Liam Halley Weyer, Kansas City, which was adopted.

Senator Holsman offered Senate Resolution No. 369, regarding Trevor Christopher Rey, Kansas City, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 370, regarding Jacob W. Luther, Gerald, which was adopted.

Senator Crawford offered Senate Resolution No. 371, regarding Marilyn Drake, Warsaw, which was adopted.

### **SENATE BILLS FOR PERFECTION**

At the request of Senator Wallingford, **SB 184**, with **SCS** was placed on the Informal Calendar.

Senator Hoskins moved that **SB 283** be taken up for perfection, which motion prevailed.

On motion of Senator Hoskins, **SB 283** was declared perfected and ordered printed.

Senator Wallingford moved that **SB 180**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS for SB 180**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 180

An Act to repeal sections 620.2005, 620.2010, and 620.2020, RSMo, and to enact in lieu thereof three new sections relating to the Missouri works program.

Was taken up.

Senator Wallingford moved that **SCS for SB 180** be adopted.

Senator Wallingford offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 180, Page 15, Section 620.2020, Line 107, by striking the following: “or qualified military project”; and further amend line 113, by inserting after “company” the following: “**qualified military project**”.

Senator Wallingford moved that the above amendment be adopted, which motion prevailed.

Senator Wallingford moved that **SCS for SB 180**, as amended, be adopted, which motion prevailed.

On motion of Senator Wallingford, **SCS for SB 180**, as amended, was declared perfected and ordered printed.

Senator Cunningham moved that **SB 10**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS for SB 10**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 10

An Act to repeal sections 290.502 and 290.512, RSMo, and to enact in lieu thereof two new sections relating to the minimum wage rates required to be paid to employees.

Was taken up.

Senator Cunningham moved that **SCS for SB 10** be adopted.

Senator Williams offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 10, Pages 1-3, Section 290.502, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Williams moved that the above amendment be adopted.

At the request of Senator Cunningham, **SB 10**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

## REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred SCS for **SB 180** and **SB 283**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

## INTRODUCTIONS OF GUESTS

Senator Schupp introduced to the Senate, Kim Ewing, Shay Wilson and Laurie Harrington, St. Louis Children's Hospital.

Senator Riddle introduced to the Senate, her son, Thomas, Prosper, Texas.

Senator Holsman introduced to the Senate, Victoria Barton and Don Sutcliffe, Grandview; and Kent Tipton, Suzanne Wiley, Donette Shultz, Steve Moore and Brianna Wessley, Lee's Summit.

Senator Williams introduced to the Senate, Hayley Friedman, Edwin Zuluaga and Landre Kingdon, St. Louis Children's Hospital; and Sahithi Jilakara, Fenton.

Senator Eigel introduced to the Senate, representatives of Mid-American Automatic Merchandising Association.

Senator Schatz introduced to the Senate, Jean Schaible, and her children, Sara and Anna, Union.

Senator Burlison introduced to the Senate, Dr. Craig Carson, Assistant Superintendent, Ozark Schools.

Senator Schupp introduced to the Senate, the Physician of the Day, Dr. George Hruza, Chesterfield.

Senator Cunningham introduced to the Senate, Chris Harlin, Bill Trivitt and Corey Hillhouse, Gainesville; John Everett, Springfield; and Garrett Chapman, Ava.

Senator Walsh introduced to the Senate, Bernice Herweck, St. Peters.

The President introduced to the Senate, Jerre Hansbrough, Fort Leonard Wood; and Slavica Hansbrough, Honolulu, Hawaii.

Senator Hegeman introduced to the Senate, Kevin Brunnert, Maryville; Janet Moore, Union Star; and Tricia Shonkwiler, St. Joseph.

Senator Cunningham introduced to the Senate, Jennifer Thomas, and her children, Serena, David, Curtis and Amanda, Alton.

Senator White introduced to the Senate, Ron Bull, and his children, Laura, Miriam, Elias and Titus, Home School students, Joplin/WebbCity; Jack and Taylor Meadows, Home School students, Seneca; Andrew Spieker, and his children, Ezekiel and Jonah, and Kathleen Hernandez, Home School students, Webb City; and Joshua and Micah Evans, Home School students, Grove, Oklahoma.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

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THIRTY-SECOND DAY—WEDNESDAY, MARCH 6, 2019

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 410-Koenig	SB 441-Hough
SB 411-Romine	SB 442-Wieland
SB 412-Holsman	SB 443-Schupp
SB 413-Sater	SB 444-Schupp
SB 414-Wieland	SB 445-Arthur
SB 415-Bernskoetter	SB 446-Arthur
SB 416-Bernskoetter	SB 447-Emery
SB 417-White	SB 448-Sater
SB 418-White	SB 449-Sater
SB 419-Riddle	SB 450-Williams
SB 420-Riddle	SB 451-Riddle
SB 421-Wallingford	SB 452-Curls
SB 422-White	SB 453-Hough
SB 423-Cunningham	SB 454-Hegeman
SB 424-Luetkemeyer	SB 455-Holsman
SB 425-Cierpiot	SB 456-Schupp
SB 426-Williams	SB 457-Curls
SB 427-Wieland	SB 458-May
SB 428-Hough	SB 459-Nasheed
SB 429-Wallingford	SB 460-O'Laughlin
SB 430-Libla	SB 461-O'Laughlin
SB 431-Schatz	SB 462-Arthur
SB 432-Sifton	SB 463-Burlison
SB 433-Onder	SB 464-Burlison
SB 434-Riddle	SB 465-Burlison
SB 435-White	SB 466-White
SB 436-Hoskins	SB 467-Onder
SB 437-Hoskins	SB 468-Williams
SB 438-Brown	SB 469-Walsh
SB 439-Brown	SB 470-Riddle
SB 440-Brown	SB 471-Crawford



SB 472-Crawford  
 SB 473-Bernskoetter  
 SB 474-Bernskoetter  
 SB 475-Cunningham  
 SB 476-Brown  
 SB 477-Brown  
 SB 478-Holsman  
 SB 479-Onder  
 SB 480-Schupp  
 SB 481-Hoskins  
 SB 482-Hoskins  
 SB 483-Hoskins  
 SB 484-Hoskins  
 SB 485-Hoskins  
 SB 486-Williams  
 SB 488-Rizzo  
 SB 489-Rizzo  
 SB 490-Rizzo  
 SB 491-Rizzo  
 SB 492-May  
 SB 493-May  
 SB 494-Emery  
 SB 495-Emery  
 SB 496-Emery  
 SB 497-O'Laughlin  
 SB 498-Burlison  
 SB 499-Burlison  
 SB 500-Burlison

SB 501-Riddle  
 SB 502-Bernskoetter  
 SB 503-Crawford  
 SB 504-Crawford  
 SB 505-Brown  
 SB 506-Brown  
 SB 507-Hough  
 SB 508-Hough  
 SB 509-Hough  
 SB 510-Hough  
 SB 511-Williams  
 SB 512-Hegeman  
 SB 513-Sater  
 SB 514-Sater  
 SB 515-Sater  
 SB 516-Cunningham  
 SB 517-Riddle  
 SB 518-Curls  
 SJR 22-Nasheed  
 SJR 23-Eigel  
 SJR 24-Cierpiot  
 SJR 25-Libla  
 SJR 26-Holsman  
 SJR 27-Eigel  
 SJR 28-Holsman  
 SJR 29-Schatz  
 SJR 30-Burlison

#### HOUSE BILLS ON SECOND READING

HB 445-Dogan  
 HB 188-Rehder  
 HB 182-Shull  
 HB 280-Ruth  
 HB 108-Sommer  
 HB 72-Tate  
 HCS for HB 185  
 HCS for HB 255  
 HB 214-Trent

HB 77-Black  
 HCS for HB 447  
 HCS for HBs 243 & 544  
 HB 283-Anderson  
 HCS for HB 324  
 HB 113-Smith  
 HB 321-Solon  
 HB 402-Basye  
 HCS for HB 242

HCS for HB 303  
HB 70-Dinkins  
HB 461-Pfautsch  
HCS for HB 239  
HCS for HB 354  
HB 441-Fitzwater  
HB 138-Kidd  
HB 126-Schroer  
HCS for HB 207  
HCS for HBs 743 & 673

HCS for HB 678  
HB 219-Wood  
HB 599-Bondon  
HCS for HB 225  
HB 260-Taylor  
HCS for HB 192  
HB 588-Rone  
HB 114-Pietzman  
HCS for HB 333  
HCS for HB 469

### THIRD READING OF SENATE BILLS

SB 196-Bernskoetter (In Fiscal Oversight)  
SS#2 for SCS for SB 194-Hoskins  
SCS for SB 167-Crawford

SCS for SB 45-Hoskins  
SCS for SB 180-Wallingford  
SB 283-Hoskins

### SENATE BILLS FOR PERFECTION

1. SB 224-Luetkemeyer  
2. SBs 12 & 123-Cunningham, with SCS  
3. SB 9-Emery, with SCS  
4. SJR 2-Emery, with SCS  
5. SB 202-Romine  
6. SB 101-Riddle, with SCS  
7. SB 230-Crawford, with SCS  
8. SB 168-Wallingford, with SCS  
9. SB 19-Libla  
10. SB 201-Romine  
11. SB 138-Riddle  
12. SB 264-Crawford  
13. SB 219-Hoskins, with SCS

14. SB 71-Brown  
15. SB 108-Koenig, with SCS  
16. SB 87-Wallingford  
17. SB 174-Crawford, with SCS  
18. SB 52-Eigel, with SCS  
19. SB 145-Burlison  
20. SJR 1-Sater and Onder  
21. SB 5-Sater, et al, with SCS  
22. SB 222-Hough  
23. SB 218-Hoskins  
24. SB 306-White  
25. SB 297-White  
26. SJR 13-Holsman, with SCS

### INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 4-Sater

SB 10-Cunningham, with SCS & SA 1 (pending)

SB 14-Wallingford	SB 65-White
SB 16-Romine, with SCS, SS for SCS, SA 3 & point of order (pending)	SB 69-Hough
SB 30-Hegeman, with SCS	SB 76-Sater, with SCS (pending)
SB 39-Onder	SB 100-Riddle
SB 44-Hoskins, with SCS & SS for SCS (pending)	SB 132-Emery, with SCS
SBs 46 & 50-Koenig, with SCS	SB 154-Luetkemeyer, with SS & SA 2 (pending)
SB 49-Rowden, with SCS	SB 160-Koenig, with SCS
SB 56-Cierpiot, with SCS, SA 1 & SA 1 to SA 1 (pending)	SB 184-Wallingford, with SCS
SB 57-Cierpiot	SB 213-Hegeman, with SS, SA 1 & SSA 1 for SA 1 (pending)
	SB 252-Wieland, with SCS
	SB 292-Eigel, with SCS

### CONSENT CALENDAR

#### Senate Bills

#### Reported 2/7

SB 131-Emery, with SCS	SB 54-Crawford
SB 103-Schupp	

#### Reported 2/14

SB 83-Cunningham, with SCS	SB 164-Schupp
SB 179-Cunningham	SB 84-Cunningham

#### Reported 2/21

SB 147-Sater, with SCS	SB 267-Wieland, with SCS
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#### Reported 2/28

SB 206-Arthur	SB 204-Riddle
SB 152-Holsman	SB 68-Hough

RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 1-Walsh

SCR 14-Schatz

SCR 13-Emery

SR 254-Cunningham

To be Referred

HCR 18-Spencer

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# Journal of the Senate

## FIRST REGULAR SESSION

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**THIRTY-SECOND DAY—WEDNESDAY, MARCH 6, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“I, wisdom, live with prudence, and I attain knowledge and discretion.” (Proverbs 8:12)

Omission God, we give You thanks for the gift of wisdom that we gain from living and making mistakes and learning from them. You help us understand ourselves and what we do and learn to understand and appreciate those with whom we work and live. You desire that we might always seek what is for our highest good and is most helpful for others. Continue with us, Lord, to seek Your guidance and Your presence in our lives that our actions are what You desire of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

**Present—Senators**

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

**Absent—Senators—None**

**Absent with leave—Senators**

May Rowden —2

**Vacancies—None**

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Walsh offered Senate Resolution No. 372, regarding the Honorable Thomas Schneider,

Florissant, which was adopted.

On motion of Senator Wallingford, the Senate recessed until 2:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Kehoe.

### **REPORTS OF STANDING COMMITTEES**

On behalf of Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator Schatz submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 291**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **REFERRALS**

President Pro Tem Schatz referred the Gubernatorial Appointment appearing on page 436 of the Senate Journal for Tuesday, March 5, 2019 to the Committee on Gubernatorial Appointments.

President Pro Tem Schatz referred **HCR 18** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Schatz referred **SCS** for **SB 180** and **SB 283** to the Committee on Fiscal Oversight.

### **SENATE BILLS FOR PERFECTION**

Senator Hegeman moved that **SB 30**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 30**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 30**

An Act to repeal section 307.178, RSMo, and to enact in lieu thereof one new section relating to the admissibility of failure to wear a safety belt as evidence in certain civil actions, with an existing penalty provision.

Was taken up.

Senator Hegeman moved that **SCS** for **SB 30** be adopted.

Senator Hegeman offered **SS** for **SCS** for **SB 30**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 30**

An Act to repeal section 307.178, RSMo, and to enact in lieu thereof one new section relating to the admissibility of failure to wear a safety belt as evidence in certain civil actions, with an existing penalty provision and a delayed effective date.

Senator Hegeman moved that **SS** for **SCS** for **SB 30** be adopted.

Senator Schupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 30, Page 3, Section 307.178, Lines 15-16, by deleting such lines and replacing in lieu thereof the following: “to wear a properly adjusted and fastened safety belt may be admissible as evidence of comparative,”.

Senator Schupp moved that **SA 1** be adopted.

Senator Hegeman offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 30, Page 3, Section 307.178, Line 16, by striking the words “for any purpose, including”.

Senator Hegeman moved that **SSA 1** for **SA 1** be adopted, which motion prevailed.

Senator Hegeman moved that **SS** for **SCS** for **SB 30**, as amended, be adopted, which motion prevailed.

On motion of Senator Hegeman, **SS** for **SCS** for **SB 30**, as amended, was declared perfected and ordered printed.

Senator Koenig moved that **SB 46** and **SB 50**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SBs 46** and **50**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 46 and 50

An Act to repeal sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 94.900, 143.011, 143.121, 143.441, 144.010, 144.011, 144.014, 144.020, 144.021, 144.030, 144.032, 144.043, 144.049, 144.054, 144.060, 144.069, 144.080, 144.083, 144.100, 144.140, 144.190, 144.210, 144.285, 144.517, 144.526, 144.600, 144.605, 144.655, 144.710, 144.759, 144.761, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 184.845, 221.407, 238.235, 238.410, and 644.032, RSMo, and to enact in lieu thereof eighty-six new sections relating to taxation, with penalty provisions and an effective date.

Was taken up.

Senator Koenig moved that **SCS** for **SBs 46** and **50** be adopted.

Senator Koenig offered **SS** for **SCS** for **SBs 46** and **50**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 46 & 50

An Act to repeal sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581,

67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 94.900, 143.011, 143.071, 143.121, 143.441, 143.451, 143.461, 144.010, 144.011, 144.014, 144.020, 144.030, 144.043, 144.049, 144.054, 144.060, 144.069, 144.080, 144.083, 144.140, 144.190, 144.210, 144.285, 144.517, 144.526, 144.600, 144.605, 144.655, 144.710, 144.757, 144.759, 144.761, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 148.064, 184.815, 184.845, 221.407, 238.235, 238.410, and 644.032, RSMo, and to enact in lieu thereof eighty-five new sections relating to taxation, with penalty provisions and an effective date.

Senator Koenig moved that **SS** for **SCS** for **SBs 46 and 50** be adopted.

Senator Hoskins assumed the Chair.

Senator Burlison offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 46 & 50, Page 300, Section 144.752, Line 13, by inserting after the word “seller” the following: “, **and does not include a person with respect to the provision of travel agency services or the operation of a marketplace or that portion of a marketplace that enables consumers to receive travel agency services. For the purposes of this subdivision, “travel agency services” means facilitating, for a commission, fee, or other consideration, vacation or travel packages, rental car or other travel reservations, tickets for domestic or foreign travel by air, rail, ship, bus, or other medium of transportation, or hotel or other lodging accommodations**”.

Senator Burlison moved that **SA 1** be adopted, which motion prevailed.

Senator Holsman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 46 & 50, Page 17, Section 33.568, Line 13, by inserting after “of” the following: “**paragraph (b) of**”; and further amend line 14 by striking the words “during the 2021 calendar year”; and further amend line 20 by inserting after “of” the following: “**paragraph (b) of**”; and further amend line 21 by striking the words “during the 2021 calendar year”; and

Further amend said bill, page 296, section 144.612, line 18, by striking the word “during”; and further amend lines 19-24 by striking all of said lines and inserting in lieu thereof the following:

**“shall be deposited as follows:**

**a. For revenue collected during the 2021 calendar year, one hundred percent shall be deposited in the state disaster and emergency fund and the local disaster and emergency fund created under section 33.568;**

**b. For revenue collected during the 2022 calendar year, fifty percent shall be deposited in the state disaster and emergency fund and the local disaster and emergency fund created under section 33.568, and fifty percent shall be deposited in the general revenue fund as provided under section 144.700;**



c. For revenue collected during the 2023 calendar year, twenty-five percent shall be deposited in the state disaster and emergency fund and the local disaster and emergency fund created under section 33.568, and seventy-five percent shall be deposited in the general revenue fund as provided under section 144.700;

d. For revenue collected during the 2024 calendar year, twelve and one-half percent shall be deposited in the state disaster and emergency fund and the local disaster and emergency fund created under section 33.568, and eighty-seven and one-half percent shall be deposited in the general revenue fund as provided under section 144.700;

e. For revenue collected during the 2025 calendar year, six and twenty-five hundredths percent shall be deposited in the state disaster and emergency fund and the local disaster and emergency fund created under section 33.568, and ninety-three and seventy-five hundredths percent shall be deposited in the general revenue fund as provided under section 144.700; and

f. For revenue collected for all years beginning January 1, 2026, one hundred percent shall be deposited in the general revenue fund as provided under section 144.700.”.

Senator Holsman moved that SA 2 be adopted, which motion prevailed.

Senator Holsman offered SA 3:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 46 & 50, Page 182, Section 143.011, Line 16, by striking all of said line and inserting in lieu thereof the following: **“determined under an agreement between the director of the department of revenue and the state treasurer such that”**.

Senator Holsman moved that SA 3 be adopted, which motion prevailed.

Senator Hough offered SA 4:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 46 & 50, Page 208, Section 143.461, Line 24 of said page, by inserting after all of said line the following:

“143.551. 1. The director of revenue may grant a reasonable extension of time for payment of tax or estimated tax or any installment thereof, or for filing any return, declaration, statement, or other document required in sections 143.011 to 143.996 on such terms and conditions as he may require. Except for a taxpayer who is outside the United States, no such extension for filing any return, declaration, statement, or document, shall exceed six months.

2. If a taxpayer has been granted an extension of time for filing his or its federal income tax return, the filing of a copy of the extension or the form relating to an automatic extension with the director of revenue shall automatically extend the due date of the income tax return required by sections 143.011 to 143.996.

3. If a taxpayer has been granted an extension of time for paying his or its federal income tax, the filing of a copy of the extension with the director of revenue shall automatically extend the time for the payment of the tax required by sections 143.011 to 143.996.

4. If the time for filing a return is extended under subsection 2, but the time for payment is not extended under subsection 3, the taxpayer shall pay, on or before the date prescribed for the filing of the return (determined without regard to any extensions of time for such filing), the amount properly estimated as his or its tax for the taxable year.

**5. (1) Notwithstanding the provisions of section 143.511 to the contrary, any taxpayer who timely files an individual tax return under this chapter for the tax year beginning on or after January 1, 2018, and ending on or before December 31, 2018, may pay the tax due:**

**(a) On or before the date fixed for filing such return; or**

**(b) Under a monthly payment plan entered into with the department of revenue, provided the entire amount of tax due shall be paid no later than October 15, 2019.**

**(2) Notwithstanding any other provisions of law to the contrary, a taxpayer remitting tax under paragraph (b) of subdivision (1) of subsection 5 of this section shall not be subject to any penalties, interest, or additions to tax on the income tax paid under the payment plan, provided that any amount of tax not paid by October 15, 2019, shall be subject to the penalties, interest, and additions to tax provided under section 143.731.**

**(3) The department of revenue shall develop any forms and promulgate any rules that are reasonable and necessary to effectuate the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this act shall be invalid and void.”; and**

Further amend said bill, page 353, section B, line 3 of said page, by inserting after all of said line the following:

“Section C. Because of the need to provide relief to taxpayers for unexpected tax burdens, the repeal and reenactment of section 143.551 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 143.551 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Hough moved that **SA 4** be adopted, which motion prevailed.

Senator Schupp offered **SA 5**:

**SENATE AMENDMENT NO. 5**

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 46 & 50, Page 226, Section 144.014, Line 6, by inserting after all of said line the following:

**“144.016. 1. Beginning October 1, 2019, the tax levied and imposed under this chapter on all retail**

**sales of feminine hygiene products, diapers, and incontinence products shall be levied at a rate that shall not exceed the sales tax rate levied on the retail sale of food under section 144.014.**

**2. For purposes of this section, the following terms mean:**

**(1) “Diapers”, absorbent garments worn by infants or toddlers who are not toilet-trained or by individuals who are incapable of controlling their bladder or bowel movements;**

**(2) “Feminine hygiene products”, tampons, pads, liners, and cups;**

**(3) “Incontinence products”, products designed specifically for hygiene matters related to urinary incontinence, including but not limited to, adult diapers.”; and**

Further amend the title and enacting clause accordingly.

Senator Schupp moved that **SA 5** be adopted, which motion prevailed.

Senator Luetkemeyer offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 46 & 50, Page 184, Section 143.071, Lines 9-11 of said page, by striking said lines and inserting in lieu thereof the following: “[a tax is hereby] **there shall be no tax** imposed upon the Missouri taxable income of corporations [in an amount equal to four percent of Missouri taxable income].”.

Senator Luetkemeyer moved that **SA 6** be adopted.

At the request of Senator Koenig, **SB 46** and **SB 50**, with SCS, SS for SCS and **SA 6** (pending), was placed on the Informal Calendar.

#### REPORTS OF STANDING COMMITTEES

On behalf of Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator Schatz submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS for SCS for SB 30**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

#### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR  
STATE OF MISSOURI

March 6, 2019

To the Senate of the 100<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard L. Ebersold, Republican, 12111 Tuscany Lake Drive, Saint Joseph, Andrew County, Missouri 64505, as a member of the Missouri Western State University Board of Governors, for a term ending October 29, 2021, and until his successor is duly appointed and qualified; vice, Kirby Leroy Hatcher, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
March 6, 2019

To the Senate of the 100<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Sherry Jones, Republican, 20841 Liv 431, Dawn, Livingston County, Missouri 64638, as a member of the State Fair Commission, for a term ending December 29, 2020, and until her successor is duly appointed and qualified; vice, Willis Jackson Magruder, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
March 6, 2019

To the Senate of the 100<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Alan L. Landes, Republican, 4707 South Lakewood Drive, Saint Joseph, Buchanan County, Missouri 64506, as a member of the Missouri Western State University Board of Governors, for a term ending October 29, 2023, and until his successor is duly appointed and qualified; vice, Jennifer Lynn Dixon, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
March 6, 2019

To the Senate of the 100<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lowell Mohler, Independent, 4054 Highway 179, Jefferson City, Cole County, Missouri 65109, as a member of the State Fair Commission, for a term ending December 29, 2019, and until his successor is duly appointed and qualified; James L. Mathewson, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
March 6, 2019

To the Senate of the 100<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kevin C. Roberts, Democrat, 9977 Venita Lane, Hillsboro, Jefferson County, Missouri 63050, as a member of the State Fair

Commission, for a term ending December 29, 2022, and until his successor is duly appointed and qualified; vice, Kevin C. Roberts, reappointed.

Respectfully submitted,

Michael L. Parson

Governor

President Pro Tem Schatz referred the above appointments to the Committee on Gubernatorial Appointments.

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 161 & 401**, entitled:

An Act to repeal section 171.031, RSMo, and to enact in lieu thereof one new section relating to the opening date for school terms.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **RESOLUTIONS**

Senator Crawford offered Senate Resolution No. 373, regarding Kolby Estes, which was adopted.

Senator Hoskins offered Senate Resolution No. 374, regarding Joel Ontiveros, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Cunningham introduced to the Senate, Hilary Perkins, Stephen Lachky, Scott Hanson, Jane Hood, Thomas Hughes and Megan Clark, members of the American Planning Association - Missouri Chapter.

Senator Cunningham introduced to the Senate, Ms. Peggy Flood, Ms. Missouri State Nursing Home Queen, Thayer.

Senator Libla introduced to the Senate, Kent Luke and Hannah Barnett, Bootheel Regional Planning Commission.

Senator Emery introduced to the Senate, Chris Burkart, Mark Francis and Randy Alsup, Pleasant Hill Health and Rehab; and Jim Kirkpatrick, Harrisonville.

Senator Bernskoetter introduced to the Senate, parents, teachers and fourth-grade students, Cole County R-1 School, Russellville.

Senator Burlison introduced to the Senate, Derek Poe, Strafford.

Senator Eigel introduced to the Senate, Randall Mardis, St. Charles.

Senator Curls introduced to the Senate, Hasan El-Amin and Sydney Alexander, St. Louis; and Jessica White, Columbia.

Senator Schatz introduced to the Senate, Debbie Kerber and Alex Rehr, Chesterfield.

Senator Schatz introduced to the Senate, the Physician of the Day, Dr. Donna Holzum, Chesterfield.

Senator Luetkemeyer introduced to the Senate, Fire Chief Gordon Fowlston, Riverside.

Senator Arthur introduced to the Senate, Stephanie Simpson, Shirley Mata, Karen Combe, Denise Claypole, Kim Hicks, Chrissy Klein, Bailee Hall, Terri Hall, Amy Minich, Erica Eckart, Camalee Hefty, Zoey Haseman, Adalee Hefty and Nicole Zabel.

Senator Luetkemeyer introduced to the Senate, Deputy Chief Dean Cull, Southern Platte Fire Protection District, Kansas City.

Senator Nasheed introduced to the Senate, President Dr. Dwaun Warmack, and Provost Dr. Dwyane Smith, Harris-Stowe State University, St. Louis.

Senator Schupp introduced to the Senate, morah Lizzie Berkowitz and fourth-grade students, Saul Mirowitz Jewish Community School, St. Louis.

Senator Burlison introduced to the Senate, representatives of Missouri Teenpact, Christian County.

Senator Cunningham introduced to the Senate, his sister, Hephzibah Cunningham, Marshfield; Emma Lander, Crane; and Sophie Shore, Judy Oehlke and Jodi Cuccurese, Springfield.

Senator Williams introduced to the Senate, Jason Rush, St. Louis.

On motion of Senator Wallingford, the Senate adjourned under the rules.

## SENATE CALENDAR

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THIRTY-THIRD DAY—THURSDAY, MARCH 7, 2019

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 410-Koenig  
 SB 411-Romine  
 SB 412-Holsman  
 SB 413-Sater  
 SB 414-Wieland  
 SB 415-Bernskoetter  
 SB 416-Bernskoetter  
 SB 417-White  
 SB 418-White  
 SB 419-Riddle  
 SB 420-Riddle  
 SB 421-Wallingford

SB 422-White  
 SB 423-Cunningham  
 SB 424-Luetkemeyer  
 SB 425-Cierpiot  
 SB 426-Williams  
 SB 427-Wieland  
 SB 428-Hough  
 SB 429-Wallingford  
 SB 430-Libla  
 SB 431-Schatz  
 SB 432-Sifton  
 SB 433-Onder

SB 434-Riddle	SB 479-Onder
SB 435-White	SB 480-Schupp
SB 436-Hoskins	SB 481-Hoskins
SB 437-Hoskins	SB 482-Hoskins
SB 438-Brown	SB 483-Hoskins
SB 439-Brown	SB 484-Hoskins
SB 440-Brown	SB 485-Hoskins
SB 441-Hough	SB 486-Williams
SB 442-Wieland	SB 488-Rizzo
SB 443-Schupp	SB 489-Rizzo
SB 444-Schupp	SB 490-Rizzo
SB 445-Arthur	SB 491-Rizzo
SB 446-Arthur	SB 492-May
SB 447-Emery	SB 493-May
SB 448-Sater	SB 494-Emery
SB 449-Sater	SB 495-Emery
SB 450-Williams	SB 496-Emery
SB 451-Riddle	SB 497-O'Laughlin
SB 452-Curls	SB 498-Burlison
SB 453-Hough	SB 499-Burlison
SB 454-Hegeman	SB 500-Burlison
SB 455-Holsman	SB 501-Riddle
SB 456-Schupp	SB 502-Bernskoetter
SB 457-Curls	SB 503-Crawford
SB 458-May	SB 504-Crawford
SB 459-Nasheed	SB 505-Brown
SB 460-O'Laughlin	SB 506-Brown
SB 461-O'Laughlin	SB 507-Hough
SB 462-Arthur	SB 508-Hough
SB 463-Burlison	SB 509-Hough
SB 464-Burlison	SB 510-Hough
SB 465-Burlison	SB 511-Williams
SB 466-White	SB 512-Hegeman
SB 467-Onder	SB 513-Sater
SB 468-Williams	SB 514-Sater
SB 469-Walsh	SB 515-Sater
SB 470-Riddle	SB 516-Cunningham
SB 471-Crawford	SB 517-Riddle
SB 472-Crawford	SB 518-Curls
SB 473-Bernskoetter	SJR 22-Nasheed
SB 474-Bernskoetter	SJR 23-Eigel
SB 475-Cunningham	SJR 24-Cierpiot
SB 476-Brown	SJR 25-Libla
SB 477-Brown	SJR 26-Holsman
SB 478-Holsman	SJR 27-Eigel

SJR 28-Holsman  
SJR 29-Schatz

SJR 30-Burlison

### HOUSE BILLS ON SECOND READING

HB 445-Dogan  
HB 188-Rehder  
HB 182-Shull  
HB 280-Ruth  
HB 108-Sommer  
HB 72-Tate  
HCS for HB 185  
HCS for HB 255  
HB 214-Trent  
HB 77-Black  
HCS for HB 447  
HCS for HBs 243 & 544  
HB 283-Anderson  
HCS for HB 324  
HB 113-Smith  
HB 321-Solon  
HB 402-Basye  
HCS for HB 242  
HCS for HB 303  
HB 70-Dinkins

HB 461-Pfautsch  
HCS for HB 239  
HCS for HB 354  
HB 441-Fitzwater  
HB 138-Kidd  
HB 126-Schroer  
HCS for HB 207  
HCS for HBs 743 & 673  
HCS for HB 678  
HB 219-Wood  
HB 599-Bondon  
HCS for HB 225  
HB 260-Taylor  
HCS for HB 192  
HB 588-Rone  
HB 114-Pietzman  
HCS for HB 333  
HCS for HB 469  
HCS for HBs 161 & 401

### THIRD READING OF SENATE BILLS

SB 196-Bernskoetter (In Fiscal Oversight)  
SS#2 for SCS for SB 194-Hoskins  
SCS for SB 167-Crawford  
SCS for SB 45-Hoskins

SCS for SB 180-Wallingford (In Fiscal Oversight)  
SB 283-Hoskins (In Fiscal Oversight)  
SS for SCS for SB 291-Wallingford  
SS for SCS for SB 30-Hegeman

### SENATE BILLS FOR PERFECTION

1. SB 224-Luetkemeyer
2. SBs 12 & 123-Cunningham, with SCS
3. SB 9-Emery, with SCS
4. SJR 2-Emery, with SCS

5. SB 202-Romine
6. SB 101-Riddle, with SCS
7. SB 230-Crawford, with SCS
8. SB 168-Wallingford, with SCS



- |                               |                                 |
|-------------------------------|---------------------------------|
| 9. SB 19-Libla                | 18. SB 52-Eigel, with SCS       |
| 10. SB 201-Romine             | 19. SB 145-Burlison             |
| 11. SB 138-Riddle             | 20. SJR 1-Sater and Onder       |
| 12. SB 264-Crawford           | 21. SB 5-Sater, et al, with SCS |
| 13. SB 219-Hoskins, with SCS  | 22. SB 222-Hough                |
| 14. SB 71-Brown               | 23. SB 218-Hoskins              |
| 15. SB 108-Koenig, with SCS   | 24. SB 306-White                |
| 16. SB 87-Wallingford         | 25. SB 297-White                |
| 17. SB 174-Crawford, with SCS | 26. SJR 13-Holsman, with SCS    |

### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 4-Sater   | SB 57-Cierpiot  |
| SB 10-Cunningham, with SCS & SA 1 (pending)                            | SB 65-White   |
| SB 14-Wallingford  | SB 69-Hough   |
| SB 16-Romine, with SCS, SS for SCS, SA 3<br>& point of order (pending) | SB 76-Sater, with SCS (pending)                             |
| SB 39-Onder  | SB 100-Riddle   |
| SB 44-Hoskins, with SCS & SS for SCS<br>(pending)                      | SB 132-Emery, with SCS                                      |
| SBs 46 & 50-Koenig, with SCS, SS for SCS<br>& SA 6 (pending)           | SB 154-Luetkemeyer, with SS & SA 2 (pending)                |
| SB 49-Rowden, with SCS   | SB 160-Koenig, with SCS                                     |
| SB 56-Cierpiot, with SCS, SA 1 & SA 1 to SA 1<br>(pending)             | SB 184-Wallingford, with SCS                                |
|  | SB 213-Hegeman, with SS, SA 1 &<br>SSA 1 for SA 1 (pending) |
|  | SB 252-Wieland, with SCS                                    |
|  | SB 292-Eigel, with SCS                                      |

### CONSENT CALENDAR

#### Senate Bills

#### Reported 2/7

- |                        |                |
|------------------------|----------------|
| SB 131-Emery, with SCS | SB 54-Crawford |
| SB 103-Schupp          |                |

#### Reported 2/14

- |                            |                  |
|----------------------------|------------------|
| SB 83-Cunningham, with SCS | SB 164-Schupp    |
| SB 179-Cunningham          | SB 84-Cunningham |

## Reported 2/21

SB 147-Sater, with SCS

SB 267-Wieland, with SCS

## Reported 2/28

SB 206-Arthur  
SB 152-HolsmanSB 204-Riddle  
SB 68-Hough

## RESOLUTIONS

SR 20-Holsman

## Reported from Committee

SCR 1-Walsh  
SCR 13-EmerySCR 14-Schatz  
SR 254-Cunningham

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# Journal of the Senate

## FIRST REGULAR SESSION

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### THIRTY-THIRD DAY—THURSDAY, MARCH 7, 2019

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The Senate met pursuant to adjournment.

Senator Hough in the Chair.

Reverend Carl Gauck offered the following prayer:

“Be careful then, how you live, not as unwise people but as wise,..” (Ephesians 5:15)

Gracious Father, as we finish up our work here this day and head for other work to be done and for time with those we love, continue to help us be wise in what we do and say so that we make the most of this time You have given us. And let us seek the light of Your presence so our efforts do the most good and our lives brighten because You are with us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Rowden announced photographers from The Missouri Times were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

**RESOLUTIONS**

Senator Rowden offered the following resolution:

**SENATE RESOLUTION NO. 375**

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Missouri Senate has a long tradition of rendering assistance to those organizations that sponsor projects in the interest of good citizenship; and

WHEREAS, the 2019 Missouri Youth Leadership Forum for Students with Disabilities, sponsored by the Governor's Council on Disability and the Missouri Planning Council for Developmental Disabilities, is an educational experience in state government for high school juniors and seniors with disabilities by allowing such youth to participate in the democratic process:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, One Hundredth General Assembly, First Regular Session, hereby grant the 2019 Missouri Youth Leadership Forum for Students with Disabilities permission to use the Senate Chamber on Thursday, July 18, 2019 from 1:30 p.m. to 3:00 p.m. for the purpose of holding a mock legislative session.

Senator Rowden requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 375** up for adoption, which request was granted.

On motion of Senator Rowden, **SR 375** was adopted.

Senator O'Laughlin offered Senate Resolution No. 376, regarding the One Hundred Third Birthday of Mary "Pauline" Brown, Macon, which was adopted.

Senator Rowden offered the following resolution:

**SENATE RESOLUTION NO. 377**

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing exemplary qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct role-playing experience; and

WHEREAS, during June, 2019, the American Legion Auxiliary, Department of Missouri, is conducting the annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event would be conducting a mock legislative session in the Senate Chamber at our State Capitol where participants could gather to gain a more realistic insight into official governmental and electoral proceedings;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, One Hundredth General Assembly, First Regular Session, hereby grant the adult leaders and participants of the Seventy-ninth Session of Missouri Girls State permission to use the Senate Chamber for the purpose of conducting a mock legislative session on Wednesday, June 26, 2019, from 8:00 am to 5:00 pm.

Senator Rowden requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 377** up for adoption, which request was granted.

On motion of Senator Rowden, **SR 377** was adopted.

Senator Rowden offered the following resolution:

**SENATE RESOLUTION NO. 378**

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Chamber and Hearing Rooms for the purposes of its Youth in Government program November 14, 2019, November 16, 2019 and December 5, 2019 through December 7, 2019.

Senator Rowden requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 378** up for adoption, which request was granted.

On motion of Senator Rowden, **SR 378** was adopted.

Senator White offered Senate Resolution No. 379, regarding Russell Abstract, Greenfield, which was adopted.

### **REPORTS OF STANDING COMMITTEES**

Senator Schatz, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Larry W. Borts and Derek Poe, as members of the Missouri Propane Safety Commission;

Also,

Casey Osterkamp, as the Director of the Division of Personnel;

Also,

Martha “Kacky” Daugherty and Cindy McDaniel, as members of the Missouri Advisory Council on Historic Preservation;

Also,

Deborah L. Kerber, as a member of the State Board of Optometry; and

Rose Marie Carmichael, Democrat and Bradley G. Gregory, Republican, as members of the Missouri Development Finance Board.

Senator Schatz requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Schatz moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Schatz assumed the Chair.

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **SB 88**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **SB 155**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Emery, Chairman of the Committee on Government Reform, submitted the following report:

Mr. President: Your Committee on Government Reform, to which was referred **SB 328**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Libla, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 330**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 332**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Romine, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 259**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Walsh, Chairman of the Committee on Progress and Development, submitted the following reports:

Mr. President: Your Committee on Progress and Development, to which was referred **SB 373**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **SB 225**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **SB 3**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hegeman, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which were referred **SB 70** and **SB 128**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **SB 11**, begs leave to report

that it has considered the same and recommends that the bill do pass.

On behalf of Senator Cunningham, Chairman of the Committee on Fiscal Oversight, Senator Rowden submitted the following report:

Mr. President: Your Committee on Fiscal Oversight, to which was referred **SB 196**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wieland, Chairman of the Committee on Insurance and Banking, submitted the following reports:

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 246**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 316**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hoskins, Chairman of the Committee on Small Business and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business and Industry, to which was referred **SB 350**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business and Industry, to which was referred **SB 118**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Koenig, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 141**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Eigel, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SB 344**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 282**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 210**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crawford, Chairman of the Committee on Local Government and Elections, submitted the following reports:

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 333**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which were referred **SJR 14** and **SJR 9**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cierpiot, Chairman of the Committee on Economic Development, submitted the following report:

Mr. President: Your Committee on Economic Development, to which was referred **SB 255**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bernskoetter, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 211**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator White, Chairman of the Committee on Veterans and Military Affairs, submitted the following report:

Mr. President: Your Committee on Veterans and Military Affairs, to which was referred **SB 405**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Luetkemeyer, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 37**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Hough assumed the Chair.

### **THIRD READING OF SENATE BILLS**

**SB 196**, introduced by Senator Bernskoetter, entitled:

An Act to repeal section 253.403, RSMo, and to enact in lieu thereof one new section relating to historic county courthouses.

Was taken up.

On motion of Senator Bernskoetter, **SB 196** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Libla
Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo



Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

NAYS—Senator Koenig—1

Absent—Senators—None

Absent with leave—Senator Cunningham—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Bernskoetter, title to the bill was agreed to.

Senator Bernskoetter moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SS No. 2 for SCS for SB 194**, introduced by Senator Hoskins, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 194

An Act to amend chapters 217 and 632, RSMo, by adding thereto two new sections relating to the unlawful use of unmanned aircraft, with penalty provisions.

Was taken up.

On motion of Senator Hoskins, **SS No. 2 for SCS for SB 194** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	Nasheed	O’Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senator May—1

Absent with leave—Senator Cunningham—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hoskins, title to the bill was agreed to.

Senator Hoskins moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SCS for SB 167**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 167

An Act to repeal section 107.170, RSMo, and to enact in lieu thereof one new section relating to contracts for construction services.

Was taken up by Senator Crawford.

On motion of Senator Crawford, **SCS for SB 167** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Cunningham—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SCS for SB 45**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 45

An Act to repeal section 376.1224, RSMo, and to enact in lieu thereof one new section relating to health care for persons with disabilities.

Was taken up by Senator Hoskins.

On motion of Senator Hoskins, **SCS for SB 45** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Curls	Eigel
Emery	Hegeman	Holsman	Hoskins	Hough	Libla	Luetkemeyer

May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

NAYS—Senators

Burlison	Koenig—2
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Absent—Senators—None

Absent with leave—Senator Cunningham—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hoskins, title to the bill was agreed to.

Senator Hoskins moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SS for SCS for SB 291**, introduced by Senator Wallingford, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 291

An Act to repeal sections 190.292, 190.327, 190.335, 190.455, 190.460, and 650.330, RSMo, and to enact in lieu thereof seven new sections relating to emergency communication services, with an emergency clause.

Was taken up.

On motion of Senator Wallingford, **SS for SCS for SB 291** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Curls	Hegeman
Holsman	Hoskins	Hough	Libla	Luetkemeyer	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—27	

NAYS—Senators

Burlison	Eigel	Emery	Koenig	May	Nasheed—6
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Absent—Senators—None

Absent with leave—Senator Cunningham—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Curls	Emery
Hegeman	Holsman	Hoskins	Hough	Libla	Luetkemeyer	O’Laughlin
Onder	Riddle	Rizzo	Romine	Rowden	Sater	Schatz
Schupp	Sifton	Wallingford	Walsh	White	Wieland	Williams—28

NAYS—Senators

Burlison	Eigel	Koenig	May	Nasheed—5
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Absent—Senators—None

Absent with leave—Senator Cunningham—1

Vacancies—None

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SS for SCS for SB 30**, introduced by Senator Hegeman, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 30

An Act to repeal section 307.178, RSMo, and to enact in lieu thereof one new section relating to the admissibility of failure to wear a safety belt as evidence in certain civil actions, with an existing penalty provision and a delayed effective date.

Was taken up.

On motion of Senator Hegeman, **SS for SCS for SB 30** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Eigel	Emery
Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer	O’Laughlin
Onder	Riddle	Romine	Rowden	Sater	Schatz	Wallingford
White	Wieland—23					

NAYS—Senators

Arthur	Curls	Holsman	May	Nasheed	Rizzo	Schupp
Sifton	Walsh	Williams—10				

Absent—Senators—None

Absent with leave—Senator Cunningham—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 821**, entitled:

An Act to repeal section 140.190, RSMo, and to enact in lieu thereof eighteen new sections relating to land banks, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 14**, entitled:

An Act to appropriate money for supplemental purposes for the expenses, grants, and distributions of the several departments and offices of state government and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the fiscal period ending June 30, 2019.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 220**, entitled:

An Act to repeal section 153.034, RSMo, and to enact in lieu thereof one new section relating to taxation of the property of electric companies.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 587**, entitled:

An Act to repeal sections 280.005, 280.010, 280.020, 280.030, 280.035, 280.037, 280.038, 280.040, 280.050, 280.060, 280.070, 280.080, 280.090, 280.095, 280.100, 280.110, 280.120, 280.130, and 280.140, RSMo, relating to the treated timber law.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 410**—Ways and Means.

**SB 411**—Education.

**SB 412**—Progress and Development.

**SB 413**—Insurance and Banking.

**SB 414**—Insurance and Banking.

**SB 415**—Health and Pensions.

**SB 416**—Agriculture, Food Production and Outdoor Resources.

**SB 417**—Insurance and Banking.

**SB 418**—Judiciary and Civil and Criminal Jurisprudence.

**SB 419**—Health and Pensions.

**SB 420**—Health and Pensions.

**SB 421**—Professional Registration.

**SB 422**—Judiciary and Civil and Criminal Jurisprudence.

**SB 423**—Health and Pensions.

**SB 424**—Local Government and Elections.

**SB 425**—Agriculture, Food Production and Outdoor Resources.

**SB 426**—Progress and Development.

**SB 427**—Transportation, Infrastructure and Public Safety.

**SB 428**—Transportation, Infrastructure and Public Safety.

**SB 429**—Ways and Means.

**SB 430**—Transportation, Infrastructure and Public Safety.

**SB 431**—Government Reform.

**SB 432**—Health and Pensions.

**SB 433**—Judiciary and Civil and Criminal Jurisprudence.

**SB 434**—Judiciary and Civil and Criminal Jurisprudence.

**SB 435**—Health and Pensions.

**SB 436**—Judiciary and Civil and Criminal Jurisprudence.

**SB 437**—Economic Development.

**SB 438**—Appropriations.

**SB 439**—Insurance and Banking.

**SB 440**—Seniors, Families and Children.

**SB 441**—Appropriations.

**SB 442**—General Laws.

**SB 443**—Ways and Means.

**SB 444**—Professional Registration.

**SB 445**—Education.

**SB 446**—Education.

**SB 447**—Education.

**SB 448**—Seniors, Families and Children.

**SB 449**—Insurance and Banking.

**SB 450**—Health and Pensions.

#### **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HB 445**—Government Reform.

**HB 188**—Seniors, Families and Children.

**HB 182**—Insurance and Banking.

**HB 280**—Transportation, Infrastructure and Public Safety.

**HB 108**—Health and Pensions.

**HB 72**—Health and Pensions.

**HCS for HB 185**—Transportation, Infrastructure and Public Safety.

**HCS for HB 255**—Economic Development.

**HB 214**—Government Reform.

**HB 77**—Health and Pensions.

**HCS for HB 447**—Professional Registration.

**HCS for HBs 243 & 544**—Small Business and Industry.

**HB 283**—Agriculture, Food Production and Outdoor Resources.

#### **INTRODUCTIONS OF GUESTS**

Senator Schupp introduced to the Senate, the Physician of the Day, Dr. Brian McKenna, St. Louis.

Senator Williams introduced to the Senate, Jessica Woolbright, and her daughter, Flora, St. Louis; and Flora was made an honorary page.

Senator Hoskins introduced to the Senate, fifteen students from Team Steam, Warrensburg.

Senator Riddle introduced to the Senate, Roger O'Connor, Brenda O'Brien, Crystal Lindsey, David Jones, Cortney Richardson, Kevin Campbell, Jason Harrison, Jenn McCord, Mary Sullivan-Thomas and Pat Rhoads, representatives of Leadership Troy.

Senator Brown introduced to the Senate, Abilene Lortz, Miss Missouri Teen USA, St. James.

Senator White introduced to the Senate, David and Karissa Busse, and their children, Elijah and Emma, TeenPact, Joplin.

Senator Riddle introduced to the Senate, Wes Woods, Donna Orf, Leah Almeling and Kim Menke, Troy.

On motion of Senator Rowden, the Senate adjourned until 4:00 p.m., Monday, March 11, 2019.

## SENATE CALENDAR

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THIRTY-FOURTH DAY—MONDAY, MARCH 11, 2019

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 451-Riddle	SB 468-Williams
SB 452-Curls	SB 469-Walsh
SB 453-Hough	SB 470-Riddle
SB 454-Hegeman	SB 471-Crawford
SB 455-Holsman	SB 472-Crawford
SB 456-Schupp	SB 473-Bernskoetter
SB 457-Curls	SB 474-Bernskoetter
SB 458-May	SB 475-Cunningham
SB 459-Nasheed	SB 476-Brown
SB 460-O'Laughlin	SB 477-Brown
SB 461-O'Laughlin	SB 478-Holsman
SB 462-Arthur	SB 479-Onder
SB 463-Burlison	SB 480-Schupp
SB 464-Burlison	SB 481-Hoskins
SB 465-Burlison	SB 482-Hoskins
SB 466-White	SB 483-Hoskins
SB 467-Onder	SB 484-Hoskins



SB 485-Hoskins	SB 507-Hough
SB 486-Williams	SB 508-Hough
SB 488-Rizzo	SB 509-Hough
SB 489-Rizzo	SB 510-Hough
SB 490-Rizzo	SB 511-Williams
SB 491-Rizzo	SB 512-Hegeman
SB 492-May	SB 513-Sater
SB 493-May	SB 514-Sater
SB 494-Emery	SB 515-Sater
SB 495-Emery	SB 516-Cunningham
SB 496-Emery	SB 517-Riddle
SB 497-O'Laughlin	SB 518-Curls
SB 498-Burlison	SJR 22-Nasheed
SB 499-Burlison	SJR 23-Eigel
SB 500-Burlison	SJR 24-Cierpiot
SB 501-Riddle	SJR 25-Libla
SB 502-Bernskoetter	SJR 26-Holsman
SB 503-Crawford	SJR 27-Eigel
SB 504-Crawford	SJR 28-Holsman
SB 505-Brown	SJR 29-Schatz
SB 506-Brown	SJR 30-Burlison

## HOUSE BILLS ON SECOND READING

HCS for HB 324	HCS for HB 678
HB 113-Smith	HB 219-Wood
HB 321-Solon	HB 599-Bondon
HB 402-Basye	HCS for HB 225
HCS for HB 242	HB 260-Taylor
HCS for HB 303	HCS for HB 192
HB 70-Dinkins	HB 588-Rone
HB 461-Pfautsch	HB 114-Pietzman
HCS for HB 239	HCS for HB 333
HCS for HB 354	HCS for HB 469
HB 441-Fitzwater	HCS for HBs 161 & 401
HB 138-Kidd	HB 821-Solon
HB 126-Schroer	HCS for HB 14
HCS for HB 207	HCS for HB 220
HCS for HBs 743 & 673	HB 587-Rone

## THIRD READING OF SENATE BILLS

SCS for SB 180-Wallingford (In Fiscal Oversight)

SB 283-Hoskins (In Fiscal Oversight)

## SENATE BILLS FOR PERFECTION

- |                                      |                                       |
|--------------------------------------|---------------------------------------|
| 1. SB 224-Luetkemeyer                | 25. SB 297-White                      |
| 2. SBs 12 & 123-Cunningham, with SCS | 26. SJR 13-Holsman, with SCS          |
| 3. SB 9-Emery, with SCS              | 27. SB 88-Libla                       |
| 4. SJR 2-Emery, with SCS             | 28. SB 155-Luetkemeyer                |
| 5. SB 202-Romine                     | 29. SB 328-Burlison, with SCS         |
| 6. SB 101-Riddle, with SCS           | 30. SB 330-Brown, with SCS            |
| 7. SB 230-Crawford, with SCS         | 31. SB 332-Brown                      |
| 8. SB 168-Wallingford, with SCS      | 32. SB 259-Romine                     |
| 9. SB 19-Libla                       | 33. SB 225-Curls                      |
| 10. SB 201-Romine                    | 34. SB 3-Curls                        |
| 11. SB 138-Riddle                    | 35. SBs 70 & 128-Hough, with SCS      |
| 12. SB 264-Crawford                  | 36. SB 11-Cunningham                  |
| 13. SB 219-Hoskins, with SCS         | 37. SB 316-Burlison                   |
| 14. SB 71-Brown                      | 38. SB 350-O'Laughlin                 |
| 15. SB 108-Koenig, with SCS          | 39. SB 118-Cierpiot, with SCS         |
| 16. SB 87-Wallingford                | 40. SB 141-Koenig                     |
| 17. SB 174-Crawford, with SCS        | 41. SB 344-Eigel, with SCS            |
| 18. SB 52-Eigel, with SCS            | 42. SB 282-Brown                      |
| 19. SB 145-Burlison                  | 43. SB 210-May                        |
| 20. SJR 1-Sater and Onder            | 44. SB 333-Rizzo                      |
| 21. SB 5-Sater, et al, with SCS      | 45. SJRs 14 & 9-Luetkemeyer, with SCS |
| 22. SB 222-Hough                     | 46. SB 255-Bernskoetter               |
| 23. SB 218-Hoskins                   | 47. SB 211-Wallingford                |
| 24. SB 306-White                     | 48. SB 37-Onder and Nasheed, with SCS |

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

- |   |  |
|---|--|
| SB 4-Sater                                  | SB 39-Onder                              |
| SB 10-Cunningham, with SCS & SA 1 (pending) | SB 44-Hoskins, with SCS & SS for SCS     |
| SB 14-Wallingford                           | (pending)                                |
| SB 16-Romine, with SCS, SS for SCS, SA 3    | SBs 46 & 50-Koenig, with SCS, SS for SCS |
| & point of order (pending)                  | & SA 6 (pending)                         |

SB 49-Rowden, with SCS	SB 132-Emery, with SCS
SB 56-Cierpiot, with SCS, SA 1 & SA 1 to SA 1 (pending)	SB 154-Luetkemeyer, with SS & SA 2 (pending)
SB 57-Cierpiot	SB 160-Koenig, with SCS
SB 65-White	SB 184-Wallingford, with SCS
SB 69-Hough	SB 213-Hegeman, with SS, SA 1 & SSA 1 for SA 1 (pending)
SB 76-Sater, with SCS (pending)	SB 252-Wieland, with SCS
SB 100-Riddle	SB 292-Eigel, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 131-Emery, with SCS	SB 54-Crawford
SB 103-Schupp	

Reported 2/14

SB 83-Cunningham, with SCS	SB 164-Schupp
SB 179-Cunningham	SB 84-Cunningham

Reported 2/21

SB 147-Sater, with SCS	SB 267-Wieland, with SCS
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Reported 2/28

SB 206-Arthur	SB 204-Riddle
SB 152-Holsman	SB 68-Hough

Reported 3/7

SB 373-Schupp	SB 405-Wallingford
SB 246-Hough	

## RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 1-Walsh

SCR 13-Emery

SCR 14-Schatz

SR 254-Cunningham

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# Journal of the Senate

## FIRST REGULAR SESSION

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**THIRTY-FOURTH DAY—MONDAY, MARCH 11, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“Pleasant words are like a honeycomb, sweetness to the soul and health to the body.” (Proverbs 16:24)

Heavenly Father we are grateful for our safe travel and being here today. We thank You for words that lift us up and words that heal; words that are informative and words that instruct. Take from us words that are hurtful and misleading, words that undermine and depreciate. Remind us of words that say thank you and appreciate the other. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 7, 2019 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Libla offered Senate Resolution No. 380, regarding Rodrick Priest, Poplar Bluff, which was adopted.

Senator Onder offered Senate Resolution No. 381, regarding William Head, which was adopted.

Senators Sifton and Koenig offered Senate Resolution No. 382, regarding Therese Shain, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 383, regarding Harry H. Hayashi, Webster Groves, which was adopted.

Senator Sifton offered Senate Resolution No. 384, regarding Ameal Joseph Nassif, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 385, regarding Richard Toshio “Dick” Henmi, Webster Groves, which was adopted.

Senator Hegeman offered Senate Resolution No. 386, regarding Melissa Moore, Jamesport, which was adopted.

Senator Cunningham offered Senate Resolution No. 387, regarding Breanna Davis, Doniphan, which was adopted.

Senator Eigel offered Senate Resolution No. 388, regarding Lorena Mae Bane, Weldon Spring, which was adopted.

Senator Eigel offered Senate Resolution No. 389, regarding Edward L. “Ed” Boni Jr., St. Charles, which was adopted.

Senator Eigel offered Senate Resolution No. 390, regarding Charles Frances “Charlie” Thro, St. Charles, which was adopted.

Senator Crawford offered Senate Resolution No. 391, regarding Hayden Burks, which was adopted.

Senator Hoskins offered Senate Resolution No. 392, regarding Dale Parsons, Warrensburg, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 393, regarding Sara Drummond, Louisiana, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 394, regarding the Ninetieth Birthday of Annette Hinton, Moberly, which was adopted.

Senator Walsh offered Senate Resolution No. 395, regarding Geneva Gwendolyn Cole, Florissant, which was adopted.

Senator May offered Senate Resolution No. 396, regarding Lara Wulff, which was adopted.

Senator Crawford offered Senate Resolution No. 397, regarding the Class 3 State Champion Bolivar High School Lady Liberator Cross Country Team, which was adopted.

Senator Crawford offered Senate Resolution No. 398, regarding Spicer Grimsley VFW Post 257, El

Dorado Springs, which was adopted.

### **HOUSE BILLS ON SECOND READING**

The following Bill was read the 2nd time and referred to the Committee indicated:

**HCS for HB 14**—Appropriations.

### **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 451**—Judiciary and Civil and Criminal Jurisprudence.

**SB 452**—Local Government and Elections.

**SB 453**—Commerce, Consumer Protection, Energy and the Environment.

**SB 454**—Economic Development.

**SB 455**—General Laws.

**SB 456**—Health and Pensions.

**SB 457**—Health and Pensions.

**SB 458**—Professional Registration.

**SB 459**—Judiciary and Civil and Criminal Jurisprudence.

**SB 460**—Professional Registration.

**SB 461**—Education.

**SB 462**—Judiciary and Civil and Criminal Jurisprudence.

**SB 463**—Government Reform.

**SB 464**—Local Government and Elections.

**SB 465**—Government Reform.

**SB 466**—Transportation, Infrastructure and Public Safety.

**SB 467**—Commerce, Consumer Protection, Energy and the Environment.

**SB 468**—Local Government and Elections.

**SB 469**—General Laws.

**SB 470**—Local Government and Elections.

### **SENATE BILLS FOR PERFECTION**

Senator Luetkemeyer moved that **SB 224** be taken up for perfection, which motion prevailed.

Senator Luetkemeyer offered SS for **SB 224**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 224

An Act to amend supreme court rules 56.01, 57.01, 57.03, 57.04, 58.01, 59.01, and 61.01, relating to discovery.

Senator Luetkemeyer moved that **SS** for **SB 224** be adopted.

Senator Hoskins assumed the Chair.

Senator Luetkemeyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 224, Page 28, Section 58.01, Line 14, by striking “:” and inserting in lieu thereof the following: “.”; and further amend line 19 by striking “(B)” and inserting in lieu thereof the following: “**(B)**”.

Senator Luetkemeyer moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Luetkemeyer, **SB 224**, with **SS** (pending), was placed on the Informal Calendar.

**SB 12** and **SB 123**, with **SCS**, was placed on the Informal Calendar.

Senator Emery moved that **SB 9**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 9**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 9

An Act to repeal sections 106.020, 106.030, 106.040, 106.070, 106.080, 106.090, 106.100, 106.110, 106.120, 106.130, 106.150, 106.160, 106.170, 106.180, 106.200, and 106.210, RSMo, and to enact in lieu thereof fourteen new sections relating to impeachment trials, with a contingent effective date.

Was taken up.

Senator Emery moved that **SCS** for **SB 9** be adopted.

Senator Holsman offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 9, Page 4, Section 106.180, Line 8, by striking the words “two-thirds” and inserting in lieu thereof the following: “**three-fourths**”.

Senator Holsman moved that the above amendment be adopted.

At the request of Senator Holsman, **SA 1** was withdrawn.

Senator Holsman offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 9, Page 4, Section 106.180, Line 8, by inserting



after the word “elected” the following:

**“or, in the case of the governor, at least three-fourths of all senators elected”.**

Senator Holsman moved that the above amendment be adopted.

Senator Schupp offered **SA 1** to **SA 2**:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Committee Substitute for Senate Bill No. 9, Page 1, Line 3, by inserting after the word “governor,” the following: **“lieutenant governor, secretary of state, attorney general, state treasurer, or state auditor,”**.

Senator Schupp moved that the above amendment be adopted,

At the request of Senator Emery, **SB 9**, with **SCS, SA 2** and **SA 1** to **SA 2** (pending), was placed on the Informal Calendar.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 399**, entitled:

An Act to repeal section 376.1224, RSMo, and to enact in lieu thereof one new section relating to health care for persons with disabilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 78**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to Missouri sliced bread day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 204**, entitled:

An Act to repeal sections 578.018 and 578.030, RSMo, and to enact in lieu thereof two new sections relating to the confiscation of animals, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 565**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to Stars and Stripes day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 487**, entitled:

An Act to repeal section 338.010, RSMo, and to enact in lieu thereof two new sections relating to contraceptives.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 250**, entitled:

An Act to repeal section 311.300, RSMo, and to enact in lieu thereof one new section relating to the transfer of intoxicating liquor.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 270**, entitled:

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the sale of eggs, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 532**, entitled:

An Act to repeal sections 94.510, 94.900, and 94.902, RSMo, and to enact in lieu thereof three new sections relating to a local sales tax, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **INTRODUCTIONS OF GUESTS**

Senator Onder introduced to the Senate, William Head, his mother, Natasha, and his brother, Charlie, Wentzville.

Senator Crawford introduced to the Senate, Coach Jared Steenburgen; and Kolby Estes, his parents, Lance and Tamena, and his sister, Shyla, Warsaw.

Senator Curls introduced to the Senate, her aunt, former State Representative Melba Curls, Kansas City.

On motion of Senator Rowden, the Senate adjourned under the rules.

### **SENATE CALENDAR**

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THIRTY-FIFTH DAY—TUESDAY, MARCH 12, 2019

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### **FORMAL CALENDAR**

### **SECOND READING OF SENATE BILLS**

SB 471-Crawford	SB 488-Rizzo
SB 472-Crawford	SB 489-Rizzo
SB 473-Bernskoetter	SB 490-Rizzo
SB 474-Bernskoetter	SB 491-Rizzo
SB 475-Cunningham	SB 492-May
SB 476-Brown	SB 493-May
SB 477-Brown	SB 494-Emery
SB 478-Holsman	SB 495-Emery
SB 479-Onder	SB 496-Emery
SB 480-Schupp	SB 497-O'Laughlin
SB 481-Hoskins	SB 498-Burlison
SB 482-Hoskins	SB 499-Burlison
SB 483-Hoskins	SB 500-Burlison
SB 484-Hoskins	SB 501-Riddle
SB 485-Hoskins	SB 502-Bernskoetter
SB 486-Williams	SB 503-Crawford

SB 504-Crawford  
 SB 505-Brown  
 SB 506-Brown  
 SB 507-Hough  
 SB 508-Hough  
 SB 509-Hough  
 SB 510-Hough  
 SB 511-Williams  
 SB 512-Hegeman  
 SB 513-Sater  
 SB 514-Sater  
 SB 515-Sater

SB 516-Cunningham  
 SB 517-Riddle  
 SB 518-Curls  
 SJR 22-Nasheed  
 SJR 23-Eigel  
 SJR 24-Cierpiot  
 SJR 25-Libla  
 SJR 26-Holsman  
 SJR 27-Eigel  
 SJR 28-Holsman  
 SJR 29-Schatz  
 SJR 30-Burlison

#### HOUSE BILLS ON SECOND READING

HCS for HB 324  
 HB 113-Smith  
 HB 321-Solon  
 HB 402-Basye  
 HCS for HB 242  
 HCS for HB 303  
 HB 70-Dinkins  
 HB 461-Pfautsch  
 HCS for HB 239  
 HCS for HB 354  
 HB 441-Fitzwater  
 HB 138-Kidd  
 HB 126-Schroer  
 HCS for HB 207  
 HCS for HBs 743 & 673  
 HCS for HB 678  
 HB 219-Wood  
 HB 599-Bondon  
 HCS for HB 225

HB 260-Taylor  
 HCS for HB 192  
 HB 588-Rone  
 HB 114-Pietzman  
 HCS for HB 333  
 HCS for HB 469  
 HCS for HBs 161 & 401  
 HB 821-Solon  
 HCS for HB 220  
 HB 587-Rone  
 HCS for HB 399  
 HB 78-Black  
 HB 204-Anderson  
 HB 565-Morse  
 HCS for HB 487  
 HB 250-Schroer  
 HCS for HB 270  
 HCS for HB 532

#### THIRD READING OF SENATE BILLS

SCS for SB 180-Wallingford (In Fiscal Oversight)

SB 283-Hoskins (In Fiscal Oversight)

## SENATE BILLS FOR PERFECTION

- |                                 |                                       |
|---------------------------------|---------------------------------------|
| 1. SJR 2-Emery, with SCS        | 24. SB 88-Libla                       |
| 2. SB 202-Romine                | 25. SB 155-Luetkemeyer                |
| 3. SB 101-Riddle, with SCS      | 26. SB 328-Burlison, with SCS         |
| 4. SB 230-Crawford, with SCS    | 27. SB 330-Brown, with SCS            |
| 5. SB 168-Wallingford, with SCS | 28. SB 332-Brown                      |
| 6. SB 19-Libla                  | 29. SB 259-Romine                     |
| 7. SB 201-Romine                | 30. SB 225-Curls                      |
| 8. SB 138-Riddle                | 31. SB 3-Curls                        |
| 9. SB 264-Crawford              | 32. SBs 70 & 128-Hough, with SCS      |
| 10. SB 219-Hoskins, with SCS    | 33. SB 11-Cunningham                  |
| 11. SB 71-Brown                 | 34. SB 316-Burlison                   |
| 12. SB 108-Koenig, with SCS     | 35. SB 350-O'Laughlin                 |
| 13. SB 87-Wallingford           | 36. SB 118-Cierpiot, with SCS         |
| 14. SB 174-Crawford, with SCS   | 37. SB 141-Koenig                     |
| 15. SB 52-Eigel, with SCS       | 38. SB 344-Eigel, with SCS            |
| 16. SB 145-Burlison             | 39. SB 282-Brown                      |
| 17. SJR 1-Sater and Onder       | 40. SB 210-May                        |
| 18. SB 5-Sater, et al, with SCS | 41. SB 333-Rizzo                      |
| 19. SB 222-Hough                | 42. SJRs 14 & 9-Luetkemeyer, with SCS |
| 20. SB 218-Hoskins              | 43. SB 255-Bernskoetter               |
| 21. SB 306-White                | 44. SB 211-Wallingford                |
| 22. SB 297-White                | 45. SB 37-Onder and Nasheed, with SCS |
| 23. SJR 13-Holsman, with SCS    |                                       |

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

- |   |   |
|---|---|
| SB 4-Sater                                  | SB 44-Hoskins, with SCS & SS for SCS          |
| SB 9-Emery, with SCS, SA 2 & SA 1 to SA 2   | (pending)                                     |
| (pending)                                   | SBs 46 & 50-Koenig, with SCS, SS for SCS      |
| SB 10-Cunningham, with SCS & SA 1 (pending) | & SA 6 (pending)                              |
| SBs 12 & 123-Cunningham, with SCS           | SB 49-Rowden, with SCS                        |
| SB 14-Wallingford                           | SB 56-Cierpiot, with SCS, SA 1 & SA 1 to SA 1 |
| SB 16-Romine, with SCS, SS for SCS, SA 3    | (pending)                                     |
| & point of order (pending)                  | SB 57-Cierpiot                                |
| SB 39-Onder                                 | SB 65-White                                   |

SB 69-Hough	SB 184-Wallingford, with SCS
SB 76-Sater, with SCS (pending)	SB 213-Hegeman, with SS, SA 1 &
SB 100-Riddle	SSA 1 for SA 1 (pending)
SB 132-Emery, with SCS	SB 224-Luetkemeyer, with SS (pending)
SB 154-Luetkemeyer, with SS & SA 2 (pending)	SB 252-Wieland, with SCS
SB 160-Koenig, with SCS	SB 292-Eigel, with SCS

## CONSENT CALENDAR

## Senate Bills

## Reported 2/7

SB 131-Emery, with SCS	SB 54-Crawford
SB 103-Schupp	

## Reported 2/14

SB 83-Cunningham, with SCS	SB 164-Schupp
SB 179-Cunningham	SB 84-Cunningham

## Reported 2/21

SB 147-Sater, with SCS	SB 267-Wieland, with SCS
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## Reported 2/28

SB 206-Arthur	SB 204-Riddle
SB 152-Holsman	SB 68-Hough

## Reported 3/7

SB 373-Schupp	SB 405-Wallingford
SB 246-Hough	

## RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 1-Walsh  
SCR 13-Emery

SCR 14-Schatz  
SR 254-Cunningham

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# Journal of the Senate

FIRST REGULAR SESSION

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**THIRTY-FIFTH DAY—TUESDAY, MARCH 12, 2019**

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The Senate met pursuant to adjournment.

Senator Wallingford in the Chair.

Reverend Carl Gauck offered the following prayer:

“Teach me your ways, O Lord, that I may walk in your truth; give me an undivided heart to revere your name.” (Psalm 86:11)

Gracious God, we are grateful that You have shown us Your loving kindness in the words that help us know the truth and lead us into pathways that are most helpful in what we were sent here to do. As we spend time together, hearing testimonies working through resolutions may we learn what is most useful to reflect Your statutes You laid before us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.



**RESOLUTIONS**

Senator Romine offered Senate Resolution No. 399, regarding Roseman Patrick “Pat” Tucker, Bloomsdale, which was adopted.

Senator Schatz offered Senate Resolution No. 400, regarding Thomas Michael “Tom” LaRocca, Chesterfield, which was adopted.

Senator Schatz offered Senate Resolution No. 401, regarding Francis A. “Bud” Jones, Wildwood, which was adopted.

Senator Schatz offered Senate Resolution No. 402, regarding Louis Eugene “Lou” Sibbing, Chesterfield, which was adopted.

Senator Libla offered Senate Resolution No. 403, regarding Mackenzie Price, Sikeston, which was adopted.

Senator Libla offered Senate Resolution No. 404, regarding Southeast Correctional Center, Charleston, which was adopted.

Senator Libla offered Senate Resolution No. 405, regarding Sam’s Fine Jewelry, Sikeston, which was adopted.

Senator Libla offered Senate Resolution No. 406, regarding Jeff Partridge, Sikeston, which was adopted.

Senator Libla offered Senate Resolution No. 407, regarding Steve Sikes, Sikeston, which was adopted.

Senator Libla offered Senate Resolution No. 408, regarding Shawn Towe, Sikeston, which was adopted.

Senator Libla offered Senate Resolution No. 409, regarding Southeast Missouri Food Bank, Sikeston, which was adopted.

Senator Libla offered Senate Resolution No. 410, regarding Dustin Care, Sikeston, which was adopted.

Senator Rowden offered the following resolution:

**SENATE RESOLUTION NO. 411**

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Chamber and Hearing Rooms for the purposes of its Youth in Government program on November 15, 2019.

Senator Rowden requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 411** up for adoption, which request was granted.

On motion of Senator Rowden, **SR 411** was adopted.

Senator Koenig offered Senate Resolution No. 412, regarding James Robert “Jim” Wright Sr., Ballwin,

which was adopted.

Senator Koenig offered Senate Resolution No. 413, regarding Robert H. “Bob” Fauser, Fenton, which was adopted.

Senator Koenig offered Senate Resolution No. 414, regarding Stanley D. “Stan” Garst, Ballwin, which was adopted.

Senator Koenig offered Senate Resolution No. 415, regarding Thomas L. “Tom” Allen, Fenton, which was adopted.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Kehoe.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR  
STATE OF MISSOURI  
March 12, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Vernon Vito Bracy, Democrat, 111 Kendall Bluff Court, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2020, and until his successor is duly appointed and qualified; vice, Cynthia O. Blosser, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
March 12, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Brian Munzlinger, Republican, 15255 200th Avenue, Williamstown, Lewis County, Missouri 63473, as a member of the Board of Probation and Parole, for a term ending April 26, 2022, and until his successor is duly appointed and qualified; vice, Donald E. Phillips, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
March 12, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Victor B. Pasley, Independent, 5807 Mulligan Court, Columbia, Boone County, Missouri 65201, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2022, and until his successor is duly appointed and qualified; vice, Herbert Hardwick, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI

March 12, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard Popp, Republican, 4915 State Highway 94, Tebbetts, Callaway County, Missouri 65080, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2024, and until his successor is duly appointed and qualified; vice, Dana Tippin Cutler, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI

March 12, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mary Sheid, Democrat, 1824 Wayhaven Drive, West Plains, Howell County, Missouri 65775, as a member of the State Board of Education, for a term ending July 1, 2024, and until her successor is duly appointed and qualified; vice, Eddy Anson Justice, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

President Pro Tem Schatz referred the above appointments to the Committee on Gubernatorial Appointments.

Senator Rowden announced photographers from The Missouri Times were given permission to take pictures in the Senate Chamber.

### SENATE BILLS FOR PERFECTION

At the request of Senator Emery, **SJR 2**, with **SCS**, was placed on the Informal Calendar.

Senator Romine moved that **SB 202**, be taken up for perfection, which motion prevailed.

On motion of Senator Romine, **SB 202** was declared perfected and ordered printed.

Senator Riddle moved that **SB 101**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 101**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 101

An Act to amend chapter 209, RSMo, by adding thereto one new section relating to a statewide hearing aid distribution program.

Was taken up.

Senator Riddle moved that **SCS** for **SB 101** be adopted, which motion prevailed.

On motion of Senator Riddle, **SCS** for **SB 101** was declared perfected and ordered printed.

Senator Crawford moved that **SB 230**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 230**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 230

An Act to repeal section 475.035, RSMo, and to enact in lieu thereof one new section relating to venue in guardianship and conservatorship proceedings.

Was taken up.

Senator Crawford moved that **SCS** for **SB 230** be adopted.

Senator Crawford offered **SS** for **SCS** for **SB 230**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 230

An Act to repeal sections 475.035 and 475.115, RSMo, and to enact in lieu thereof two new sections relating to venue in guardianship and conservatorship proceedings.

Senator Crawford moved that **SS** for **SCS** for **SB 230** be adopted.

Senator Williams offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 230, Page 1, In the Title, Line 4, by striking the words “venue in”; and

Further amend said bill and page, Section A, line 3, by inserting after all of said line the following:

“209.625. 1. Notwithstanding any law to the contrary, the assets of the ABLE program held by the board and the assets of any ABLE account and any income therefrom shall be exempt from all taxation by the state or any of its political subdivisions. Income earned or received from an ABLE account or deposit shall not be subject to state income tax imposed pursuant to chapter 143. The exemption from taxation pursuant to this section shall apply only to assets and income maintained, accrued, or expended pursuant to the requirements of the ABLE program established pursuant to sections 209.600 to 209.645, and no exemption shall apply to assets and income expended for any other purposes. Annual contributions made to the ABLE program held by the board up to and including eight thousand dollars per participating taxpayer, and up to

sixteen thousand dollars for married individuals filing a joint tax return, shall be subtracted in determining Missouri adjusted gross income pursuant to section 143.121.

2. If any deductible contributions to or earnings from any such program referred to in this section are distributed and not used to pay qualified disability expenses or are not held for the minimum length of time established by the appropriate Missouri board, the amount so distributed shall be added to the Missouri adjusted gross income of the participant, or, if the participant is not living, the designated beneficiary.

3. The provisions of this section shall apply to tax years beginning on or after January 1, 2015.

**4. The assets held in an ABLE account under sections 209.600 to 209.645 shall not be considered the property of a conservatorship estate established under chapter 475.**

**5. The provisions of subsection 4 of this section shall not apply to ABLE accounts in the charge and custody of a public administrator.**

472.010. When used in this code, unless otherwise apparent from the context:

(1) "Administrator" includes any administrator de bonis non, administrator cum testamento annexo, administrator ad litem and administrator during absence or minority;

(2) "Child" includes an adopted child and a child born out of wedlock, but does not include a grandchild or other more remote descendants;

(3) "Claims" include liabilities of the decedent which survive whether arising in contract, tort or otherwise, funeral expenses, the expense of a tombstone, and costs and expenses of administration;

(4) "Clerk" means clerk of the probate division of the circuit court;

(5) "Code" or "probate code" means chapters 472, 473, 474 and 475;

(6) "Court" or "probate court" means the probate division of the circuit court;

(7) "Devise", when used as a noun, means a testamentary disposition of real or personal property or both; when used as a verb it means to dispose of real or personal property or both by will;

(8) "Devisee" includes legatee;

(9) "Distributee" denotes those persons who are entitled to the real and personal property of a decedent under his will, under the statutes of intestate succession or who take as surviving spouse under section 474.160, upon election to take against the will;

(10) "Domicile" means the place in which a person has voluntarily fixed his abode, not for a mere special or temporary purpose, but with a present intention of remaining there permanently or for an indefinite time;

(11) "Estate" means the real and personal property of the decedent or ward, as from time to time changed in form by sale, reinvestment or otherwise, and augmented by any accretions and additions thereto and substitutions therefor, and diminished by any decreases and distributions therefrom. **Under the provisions of subsections 4 and 5 of section 209.625, assets held in an ABLE account established under sections 209.600 to 209.645 shall not be considered the property of the designated beneficiary of said account for purposes of this subdivision when applied in chapter 475, unless the estate is in the charge**

**and custody of a public administrator;**

(12) “Exempt property” means that property of a decedent’s estate which is not subject to be applied to the payment of claims, charges, legacies or bequests as described in section 474.250;

(13) “Fiduciary” includes executor, administrator, guardian, conservator, and trustee;

(14) “Heirs” means those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on his death intestate;

(15) “Interested persons” mean heirs, devisees, spouses, creditors or any others having a property right or claim against the estate of a decedent being administered and includes children of a protectee who may have a property right or claim against or an interest in the estate of a protectee. This meaning may vary at different stages and different parts of a proceeding and must be determined according to the particular purpose and matter involved;

(16) “Issue” of a person, when used to refer to persons who take by intestate succession, includes adopted children and all lawful lineal descendants, except those who are the lineal descendants of living lineal descendants of the intestate;

(17) “Lease” includes an oil and gas lease or other mineral lease, but does not include month-to-month or year-to-year tenancies under oral contracts;

(18) “Legacy” means a testamentary disposition of personal property;

(19) “Legatee” means a person entitled to personal property under a will;

(20) “Letters” include letters testamentary, letters of administration and letters of guardianship;

(21) “Lien” includes all liens except general judgment, execution and attachment liens;

(22) “Lineal descendants” include adopted children and their descendants;

(23) “Mortgage” includes deed of trust, vendor’s lien and chattel mortgage;

(24) “Person” includes natural persons and corporations;

(25) “Personal property” includes interests in goods, money, choses in action, evidences of debt, shares of corporate stock, and chattels real;

(26) “Personal representative” means executor or administrator. It includes an administrator with the will annexed, an administrator de bonis non, an administrator pending contest, an administrator during minority or absence, and any other type of administrator of the estate of a decedent whose appointment is permitted. It does not include an executor de son tort;

(27) “Property” includes both real and personal property;

(28) “Real property” includes estates and interests in land, corporeal or incorporeal, legal or equitable, other than chattels real;

(29) “Registered mail” includes “certified mail” as defined and certified under regulations of the United States Postal Service;

(30) “Will” includes codicil; it also includes a testamentary instrument which merely appoints an

executor and a testamentary instrument which merely revokes or revives another will.”; and

Further amend the title and enacting clause accordingly.

Senator Williams moved that the above amendment be adopted, which motion prevailed.

Senator Crawford moved that **SS** for **SCS** for **SB 230**, as amended, be adopted, which motion prevailed.

On motion of Senator Crawford, **SS** for **SCS** for **SB 230**, as amended, was declared perfected and ordered printed.

Senator Cunningham moved that **SB 12** and **SB 123**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SBs 12** and **123**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 12 and 123

An Act to repeal section 57.280, RSMo, and to enact in lieu thereof one new section relating to charges for the service of court orders.

Was taken up.

Senator Cunningham moved that **SCS** for **SBs 12** and **123**, be adopted, which motion prevailed.

On motion of Senator Cunningham, **SCS** for **SBs 12** and **123**, was declared perfected and ordered printed.

Senator Emery moved that **SJR 2**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SJR 2**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 2

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 1 and 2 of article VII of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to impeachment trials.

Was taken up.

Senator Emery moved that **SCS** for **SJR 2** be adopted.

Senator Emery offered **SS** for **SCS** for **SJR 2**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE JOINT RESOLUTION NO. 2

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 1 and 2 of article VII of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the impeachment process.

Senator Emery moved that **SS** for **SCS** for **SJR 2** be adopted, which motion prevailed.

On motion of Senator Emery, **SS** for **SCS** for **SJR 2** was declared perfected and ordered printed.

Senator Cierpiot moved that **SB 56**, with **SCS**, **SA 1** and **SA 1** to **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1** to **SA 1** was again taken up.

At the request of Senator Cierpiot, **SA 1** was withdrawn, rendering **SA 1** to **SA 1** moot.

Senator Cierpiot offered **SS** for **SCS** for **SB 56**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 56

An Act to repeal sections 620.800, 620.803, 620.806, 620.809, 620.2005, 620.2010, 620.2020, and 620.2475, RSMo, and to enact in lieu thereof eight new sections relating to financial incentives for job creation.

Senator Cierpiot moved that **SS** for **SCS** for **SB 56** be adopted.

Senator Eigel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 56, Pages 26-35, Section 620.2005, by striking all of said section from the bill; and

Further amend said bill, Page 45, Section 620.2020, Line 5 of said page, by striking the following: “(1)”; and further amend Line 10 and Line 13 of said page, by striking all of the opening brackets “[”, the closing brackets “]”, and the underlined language from said lines; and further amend Line 16 of said page, by striking “[ (3) ] (c)” and inserting in lieu thereof the following: “(3)”; and further amend Line 20 of said page, by striking “(d)” and inserting in lieu thereof the following: “(4)”; and further amend Line 21 of said page, by striking “hundred six”; and further amend Lines 25-28 of said page, by striking all of said lines; and

Further amend said bill and section, Page 46, Lines 1-5 of said page, by striking all of said lines; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted.

Senator Hough assumed the Chair.

At the request of Senator Cierpiot, **SB 56**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

**REPORTS OF STANDING COMMITTEES**

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 230**; **SS** for **SCS** for **SJR 2**; **SCS** for **SBs 12** and **123**; **SB 202**; and **SCS** for **SB 101** begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the



printed copies furnished the Senators are correct.

### **REFERRALS**

President Pro Tem Schatz referred **SCS** for **SB 101** to the Committee on Fiscal Oversight.

### **RESOLUTIONS**

Senator Brown offered Senate Resolution No. 416, regarding Tom Williams, Osage Beach, which was adopted.

Senator White offered Senate Resolution No. 417, regarding Maici Craig, Carl Junction, which was adopted.

Senator Hoskins offered Senate Resolution No. 418, regarding Johnson County Ambulance District, which was adopted.

Senator Sifton offered Senate Resolution No. 419, regarding Jakob Michael Geldmacher, St. Louis, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 420, regarding Reverend Cornell C. Sudduth Sr., Jefferson City, which was adopted.

Senator Wallingford offered Senate Resolution No. 421, regarding Cape Girardeau Rotary Club, which was adopted.

Senator Sifton offered Senate Resolution No. 422, regarding James Karlake, Webster Groves, which was adopted.

### **COMMUNICATIONS**

Senator Riddle submitted the following:

March 12, 2019

Secretary of Senate

Adriane Crouse

201 W. Capitol Ave., Rm. 325

Jefferson City, MO 65101

Dear Ms. Crouse;

Due to my recent injury, I ask that I be temporarily recognized from my chair, pursuant to Rule 76.

Sincerely,



Jeanie Riddle, Senator

President Pro Tem Schatz submitted the following:

March 12, 2019

Ms. Adriane Crouse

Secretary of the Missouri Senate

State Capitol, Room 325

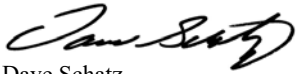
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to RSMo 30.763, I am appointing Senator Justin Brown to fill the Senate vacancy on the Linked Deposits Review Committee.

Please do not hesitate to contact my office if you have any questions.

Sincerely,



Dave Schatz

President Pro Tem

### **INTRODUCTIONS OF GUESTS**

Senator Crawford introduced to the Senate, President Rick Renno, and representatives of the Missouri County Treasurers' Association.

Senator Riddle introduced to the Senate, Gena McClusky, Brian Ernst and Mark Penny, State of Missouri Leadership Academy.

Senator White introduced to the Senate, Superintendent Dr. Melinda Moss, Assistant Superintendent Ronald Lankford, teacher Sergeant Richard Banks (retired), chaperone Kelly Banks, and Kelsey Williams, Tanner Marshall, Benjamin Watkins, Ryan Byers, Briana Windle, Shelby Wagner and Rodlege Johannes, Joplin ROTC.

Senator White introduced to the Senate, Sam Bennion, Stark City.

On behalf of Senator Wallingford, the President introduced to the Senate, Jenny Schade and forty-seven, seventh-grade students from St. Vincent DePaul, Cape Girardeau.

On behalf of Senator Wallingford, the President introduced to the Senate, his wife, Suzy, Cape Girardeau.

On behalf of Senator Wallingford, the President introduced to the Senate, former State Senator Brian Munzlinger, Williamstown.

Senator Walsh introduced to the Senate, her daughter, Sarah Walsh, and her children, Isabel Maureen and Frances James Baca Walsh, St. Louis.

Senator Romine introduced to the Senate, Jon Cozean, Farmington.

Senator May introduced to the Senate, Tydrell Stevens, Jamie Dennis, Michael Holmes and Michael McMillan, St. Louis Urban League.

Senator Riddle introduced to the Senate, Dr. Carol Ryan, Troy.

Senator Williams introduced to the Senate, Superintendent Dr. Art McCoy, Jennings School District.

Senator Hough introduced to the Senate, Emily and Sophia Hays, Jefferson City; and Emily and Sophia were made honorary pages.

Senator Williams introduced to the Senate, Clarence Jackson and Kenny Powell, Ecumenical Leadership Council.

On motion of Senator Rowden, the Senate adjourned under the rules.

## SENATE CALENDAR

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THIRTY-SIXTH DAY—WEDNESDAY, MARCH 13, 2019

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## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 471-Crawford	SB 500-Burlison
SB 472-Crawford	SB 501-Riddle
SB 473-Bernskoetter	SB 502-Bernskoetter
SB 474-Bernskoetter	SB 503-Crawford
SB 475-Cunningham	SB 504-Crawford
SB 476-Brown	SB 505-Brown
SB 477-Brown	SB 506-Brown
SB 478-Holsman	SB 507-Hough
SB 479-Onder	SB 508-Hough
SB 480-Schupp	SB 509-Hough
SB 481-Hoskins	SB 510-Hough
SB 482-Hoskins	SB 511-Williams
SB 483-Hoskins	SB 512-Hegeman
SB 484-Hoskins	SB 513-Sater
SB 485-Hoskins	SB 514-Sater
SB 486-Williams	SB 515-Sater
SB 488-Rizzo	SB 516-Cunningham
SB 489-Rizzo	SB 517-Riddle
SB 490-Rizzo	SB 518-Curls
SB 491-Rizzo	SJR 22-Nasheed
SB 492-May	SJR 23-Eigel
SB 493-May	SJR 24-Cierpiot
SB 494-Emery	SJR 25-Libla
SB 495-Emery	SJR 26-Holsman
SB 496-Emery	SJR 27-Eigel
SB 497-O'Laughlin	SJR 28-Holsman
SB 498-Burlison	SJR 29-Schatz
SB 499-Burlison	SJR 30-Burlison

## HOUSE BILLS ON SECOND READING

HCS for HB 324	HB 402-Basye
HB 113-Smith	HCS for HB 242
HB 321-Solon	HCS for HB 303

HB 70-Dinkins  
HB 461-Pfautsch  
HCS for HB 239  
HCS for HB 354  
HB 441-Fitzwater  
HB 138-Kidd  
HB 126-Schroer  
HCS for HB 207  
HCS for HBs 743 & 673  
HCS for HB 678  
HB 219-Wood  
HB 599-Bondon  
HCS for HB 225  
HB 260-Taylor  
HCS for HB 192  
HB 588-Rone

HB 114-Pietzman  
HCS for HB 333  
HCS for HB 469  
HCS for HBs 161 & 401  
HB 821-Solon  
HCS for HB 220  
HB 587-Rone  
HCS for HB 399  
HB 78-Black  
HB 204-Anderson  
HB 565-Morse  
HCS for HB 487  
HB 250-Schroer  
HCS for HB 270  
HCS for HB 532

### THIRD READING OF SENATE BILLS

SCS for SB 180-Wallingford (In Fiscal Oversight)  
SB 283-Hoskins (In Fiscal Oversight)  
SS for SCS for SB 230-Crawford  
SS for SCS for SJR 2-Emery

SCS for SBs 12 & 123-Cunningham  
SB 202-Romine  
SCS for SB 101-Riddle (In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

1. SB 168-Wallingford, with SCS
2. SB 19-Libla
3. SB 201-Romine
4. SB 138-Riddle
5. SB 264-Crawford
6. SB 219-Hoskins, with SCS
7. SB 71-Brown
8. SB 108-Koenig, with SCS
9. SB 87-Wallingford
10. SB 174-Crawford, with SCS
11. SB 52-Eigel, with SCS
12. SB 145-Burlison
13. SJR 1-Sater and Onder
14. SB 5-Sater, et al, with SCS
15. SB 222-Hough
16. SB 218-Hoskins
17. SB 306-White

18. SB 297-White
19. SJR 13-Holsman, with SCS
20. SB 88-Libla
21. SB 155-Luetkemeyer
22. SB 328-Burlison, with SCS
23. SB 330-Brown, with SCS
24. SB 332-Brown
25. SB 259-Romine
26. SB 225-Curls
27. SB 3-Curls
28. SBs 70 & 128-Hough, with SCS
29. SB 11-Cunningham
30. SB 316-Burlison
31. SB 350-O'Laughlin
32. SB 118-Cierpiot, with SCS
33. SB 141-Koenig
34. SB 344-Eigel, with SCS

- |                                       |                                       |
|---------------------------------------|---------------------------------------|
| 35. SB 282-Brown                      | 39. SB 255-Bernskoetter               |
| 36. SB 210-May                        | 40. SB 211-Wallingford                |
| 37. SB 333-Rizzo                      | 41. SB 37-Onder and Nasheed, with SCS |
| 38. SJRs 14 & 9-Luetkemeyer, with SCS |                                       |

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 4-Sater   | SB 57-Cierpiot  |
| SB 9-Emery, with SCS, SA 2 & SA 1 to SA 2<br>(pending)                 | SB 65-White   |
| SB 10-Cunningham, with SCS & SA 1<br>(pending)                         | SB 69-Hough   |
| SB 14-Wallingford  | SB 76-Sater, with SCS (pending)                             |
| SB 16-Romine, with SCS, SS for SCS, SA 3<br>& point of order (pending) | SB 100-Riddle   |
| SB 39-Onder  | SB 132-Emery, with SCS                                      |
| SB 44-Hoskins, with SCS & SS for SCS<br>(pending)                      | SB 154-Luetkemeyer, with SS & SA 2 (pending)                |
| SBs 46 & 50-Koenig, with SCS, SS for SCS<br>& SA 6 (pending)           | SB 160-Koenig, with SCS                                     |
| SB 49-Rowden, with SCS   | SB 184-Wallingford, with SCS                                |
| SB 56-Cierpiot, with SCS, SS for SCS & SA 1<br>(pending)               | SB 213-Hegeman, with SS, SA 1 &<br>SSA 1 for SA 1 (pending) |
|  | SB 224-Luetkemeyer, with SS (pending)                       |
|  | SB 252-Wieland, with SCS                                    |
|  | SB 292-Eigel, with SCS                                      |

## CONSENT CALENDAR

### Senate Bills

#### Reported 2/7

- |                        |                |
|------------------------|----------------|
| SB 131-Emery, with SCS | SB 54-Crawford |
| SB 103-Schupp          |                |

#### Reported 2/14

- |                            |                  |
|----------------------------|------------------|
| SB 83-Cunningham, with SCS | SB 164-Schupp    |
| SB 179-Cunningham          | SB 84-Cunningham |

Reported 2/21

SB 147-Sater, with SCS

SB 267-Wieland, with SCS

Reported 2/28

SB 206-Arthur  
SB 152-Holsman

SB 204-Riddle  
SB 68-Hough

Reported 3/7

SB 373-Schupp  
SB 246-Hough

SB 405-Wallingford

RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 1-Walsh  
SCR 13-Emery

SCR 14-Schatz  
SR 254-Cunningham

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# Journal of the Senate

## FIRST REGULAR SESSION

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**THIRTY-SIXTH DAY—WEDNESDAY, MARCH 13, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“From the rising of the sun to its setting the name of the Lord is to be praised.” (Psalm 113:3)

Wonderful Lord, we give You thanks for Your good words for they heal us and inform us so we may be instructed and grow in appreciation of all Your gifts to us. Remind us of the words that say thank you to those who help us and give praise and adoration to You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

**Present—Senators**

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

**Absent—Senators—None**

**Absent with leave—Senator Schupp—1**

**Vacancies—None**

The Lieutenant Governor was present.

**CONCURRENT RESOLUTIONS**

Senator Luetkemeyer offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 23**

Whereas, Freedom's Frontier National Heritage Area tells the stories of the settlement of the Frontier, the Missouri-Kansas Border War and Civil War on the Western Frontier, and the enduring struggle for freedom; and

Whereas, Congress established Freedom's Frontier National Heritage Area in 2006 to make these nationally-significant stories of this region better known to both its citizens and the nation as a whole; and

Whereas, more than two hundred and sixty-five museums, historic sites, and economic development organizations partner with Freedom's Frontier National Heritage Area; and

Whereas, in 2018, Freedom's Frontier National Heritage Area leveraged \$365,000 in federal funds to attract \$827,000 in additional funds; and

Whereas, Freedom's Frontier National Heritage Area spent \$903,000 in programming for its partner sites; and

Whereas, Freedom's Frontier National Heritage Area is one of forty-nine National Heritage Areas designed to create a unique public-private partnership to support telling nationally significant stories; and

Whereas, it is important that the Congress of the United States show support for Freedom's Frontier National Heritage Area through H.R. 1049, 116th Cong. (2019):

Now Therefore Be It Resolved that the members of the Missouri Senate, One Hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, strongly urge the Congress of the United States to pass H.R. 1049, 116th Cong. (2019), which designates Freedom's Frontier National Heritage Area as part of the National Heritage Area System; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Missouri congressional delegation.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by President Kehoe.

President Pro Tem Schatz assumed the Chair.

**REPORTS OF STANDING COMMITTEES**

Senator Hegeman, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 14**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Kehoe assumed the Chair.

**SENATE BILLS FOR PERFECTION**

Senator Emery moved that **SB 9**, with **SCS**, **SA 2** and **SA 1** to **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1** to **SA 2** was again taken up.

At the request of Senator Holsman, **SA 2** was withdrawn, rendering **SA 1** to **SA 2** moot.

Senator Emery offered **SS** for **SCS** for **SB 9**, entitled:



SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 9

An Act to repeal sections 106.020, 106.030, 106.040, 106.070, 106.080, 106.090, 106.100, 106.110, 106.120, 106.130, 106.150, 106.160, 106.170, 106.180, 106.200, and 106.210, RSMo, and to enact in lieu thereof fourteen new sections relating to the impeachment process, with a contingent effective date.

Senator Emery moved that **SS** for **SCS** for **SB 9** be adopted, which motion prevailed.

On motion of Senator Emery, **SS** for **SCS** for **SB 9** was declared perfected and ordered printed.

Senator Koenig moved that **SB 160**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 160**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 160

An Act to amend chapters 135 and 166, RSMo, by adding thereto ten new sections relating to educational scholarships, with penalty provisions.

Was taken up.

Senator Koenig moved that **SCS** for **SB 160** be adopted.

Senator Koenig offered **SS** for **SCS** for **SB 160**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 160

An Act to repeal sections 160.410, 160.415, 162.081, 163.018, 167.125, 167.131, 167.151, and 167.241, RSMo, and to enact in lieu thereof twenty-five new sections relating to alternative education options for students, with penalty provisions and an emergency clause for certain sections.

Senator Koenig moved that **SS** for **SCS** for **SB 160** be adopted.

Senator Arthur offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 160, Page 2, Section 135.712, Line 11, by inserting after the word “race,” the following: “**religion**,”.

Senator Arthur moved that the above amendment be adopted, which motion prevailed.

Senator Rowden assumed the Chair.

Senator Hoskins offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 160, Page 7, Section

135.714, Lines 2-14 of said page, by striking all of said lines and inserting in lieu thereof the following:

**“(15) Demonstrate its financial accountability by submitting to the state treasurer annual audited financial statements by a certified public accountant within six months of the end of the educational assistance organization’s fiscal year which shall include:**

**(a) The name and address of the educational assistance organization;**

**(b) The total number and total dollar amount of contributions received during the previous calendar year; and**

**(c) The total number and total dollar amount of scholarship accounts opened during the previous calendar year;”; and**

Further amend said bill, Page 33, Section 166.710, Line 9 of said page, by inserting after “annual” the following: **“compliance”**; and further amend line 12 of said page, by inserting after “annual” the following: **“compliance”**; and

Further amend said bill and section, Page 34, Line 8 of said page, by striking “reviews” and inserting in lieu thereof the following: **“compliance audits”**.

Senator Hoskins moved that the above amendment be adopted.

President Kehoe assumed the Chair.

At the request of Senator Koenig, **SB 160**, with **SCS, SS for SCS and SA 2** (pending), was placed on the Informal Calendar.

Senator Hegeman moved that **SB 213**, with **SS, SA 1 and SSA 1 for SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SSA 1 for SA 1** was again taken up.

At the request of Senator Hegeman, **SSA 1 for SA 1** was withdrawn.

**SA 1** was again taken up.

Senator Sifton moved that the above amendment be adopted, which motion failed.

Senator Hegeman offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 213, Page 4, Section 127.010, Line 3 of said page, by striking the word “accepting” and inserting in lieu thereof the following: **“preparing and drawing”**; and

Further amend said bill and page, section 127.020, line 24 of said page, by inserting immediately after the word “kind” the following: **“in connection with the redistricting process, including from any political campaign, political party committee, continuing committee, federal political action committee, or organization exempt from taxation pursuant to section 501(c) of the Internal Revenue Code of 1986, as amended”**; and further amend line 28 of said page, by inserting immediately after the word “process” the following: **“, provided the demographer may consult with or request opinions from the office of attorney general. The demographer may additionally retain reasonably necessary technical and clerical assistance from the office of administration. All such legal advice and technical**

**and clerical assistance shall be disclosed pursuant to section 127.030”; and**

Further amend said bill and section, page 5, line 1 of said page, by inserting immediately after the word “communication” the following: “**regarding the redistricting process**”; and further amend line 2 of said page, by striking “the redistricting” and inserting in lieu thereof the following: “**such**”.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator Hegeman moved that **SS for SB 213**, as amended, be adopted, which motion prevailed.

On motion of Senator Hegeman, **SS for SB 213**, as amended, was declared perfected and ordered printed.

### **REPORTS OF STANDING COMMITTEES**

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS for SCS for SB 9**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **RESOLUTIONS**

Senator Wieland offered Senate Resolution No. 423, regarding Alfred S. Barbagallo, Imperial, which was adopted.

Senator Riddle offered Senate Resolution No. 424, regarding Bob Jones, which was adopted.

Senator Wallingford offered Senate Resolution No. 425, regarding Donna Lichtenegger, Jackson, which was adopted.

Senator Schatz offered Senate Resolution No. 426, regarding the One Hundred Fiftieth Anniversary of the Missouri Meerschaum Company, Washington, which was adopted.

Senator Hough offered Senate Resolution No. 427, regarding Rachel Heinz, Springfield, which was adopted.

Senator Wallingford offered Senate Resolution No. 428, regarding Rick Thompson, Patterson, which was adopted.

### **INTRODUCTIONS OF GUESTS**

On behalf of Senator Luetkemeyer and himself, Senator Holsman introduced to the Senate, Mindy Ward and Matthew Voelker, Kansas City; and Steven Brushwood, St. Joseph.

Senator Hegeman introduced to the Senate, Richard Ebersold and his wife, Brenda, St. Joseph, and his brother, Randy Ebersold, Amity.

Senator Luetkemeyer introduced to the Senate, Al and Grace Landes, St. Joseph.

Senator Crawford introduced to the Senate, Stephen Ball, Lebanon.

Senator White introduced to the Senate, Jacob Fauvergue and Chris Weston, Webb City.

Senator Williams introduced to the Senate, Jack Carrera, Emily Hanson, Monti Hill, Karisa Gilman-Hernandez, Hillary Norris, Bob Linsey, Michael Scott and Jackie and Eddie Schmid, St. Louis, and Brad Pierce, University City.

Senator Holsman introduced to the Senate, Dean and Cindy McDermott, Kansas City.

Senator Cierpiot introduced to the Senate, Allison Bean, and her daughter, Katie, Blue Springs; and Katie was made an honorary page.

Senator Emery introduced to the Senate, Reid Nodine, Nevada; and Josh Wallace, Butler.

Senator Bernskoetter introduced to the Senate, Judy Grainger, KC Boone, Marc Miller, and Jeremiah, Jake, Eric, Kevin, Ashley, Carolyn, Paige, Emily and Tanya, representatives of Gibbs Center for Independence.

Senator Holsman introduced to the Senate, Kally Silvey, Kansas City.

Senator Bernskoetter introduced to the Senate, Laura Hardecke, Jefferson City.

Senator Holsman introduced to the Senate, the Physician of the Day, Dr. Charles Van Way, Kansas City.

On motion of Senator Rowden, the Senate adjourned under the rules.

## SENATE CALENDAR

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THIRTY-SEVENTH DAY—THURSDAY, MARCH 14, 2019

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 471-Crawford	SB 483-Hoskins
SB 472-Crawford	SB 484-Hoskins
SB 473-Bernskoetter	SB 485-Hoskins
SB 474-Bernskoetter	SB 486-Williams
SB 475-Cunningham	SB 488-Rizzo
SB 476-Brown	SB 489-Rizzo
SB 477-Brown	SB 490-Rizzo
SB 478-Holsman	SB 491-Rizzo
SB 479-Onder	SB 492-May
SB 480-Schupp	SB 493-May
SB 481-Hoskins	SB 494-Emery
SB 482-Hoskins	SB 495-Emery

SB 496-Emery	SB 512-Hegeman
SB 497-O'Laughlin	SB 513-Sater
SB 498-Burlison	SB 514-Sater
SB 499-Burlison	SB 515-Sater
SB 500-Burlison	SB 516-Cunningham
SB 501-Riddle	SB 517-Riddle
SB 502-Bernskoetter	SB 518-Curls
SB 503-Crawford	SJR 22-Nasheed
SB 504-Crawford	SJR 23-Eigel
SB 505-Brown	SJR 24-Cierpiot
SB 506-Brown	SJR 25-Libla
SB 507-Hough	SJR 26-Holsman
SB 508-Hough	SJR 27-Eigel
SB 509-Hough	SJR 28-Holsman
SB 510-Hough	SJR 29-Schatz
SB 511-Williams	SJR 30-Burlison

## HOUSE BILLS ON SECOND READING

HCS for HB 324	HB 260-Taylor
HB 113-Smith	HCS for HB 192
HB 321-Solon	HB 588-Rone
HB 402-Basye	HB 114-Pietzman
HCS for HB 242	HCS for HB 333
HCS for HB 303	HCS for HB 469
HB 70-Dinkins	HCS for HBs 161 & 401
HB 461-Pfautsch	HB 821-Solon
HCS for HB 239	HCS for HB 220
HCS for HB 354	HB 587-Rone
HB 441-Fitzwater	HCS for HB 399
HB 138-Kidd	HB 78-Black
HB 126-Schroer	HB 204-Anderson
HCS for HB 207	HB 565-Morse
HCS for HBs 743 & 673	HCS for HB 487
HCS for HB 678	HB 250-Schroer
HB 219-Wood	HCS for HB 270
HB 599-Bondon	HCS for HB 532
HCS for HB 225	

## THIRD READING OF SENATE BILLS

SCS for SB 180-Wallingford (In Fiscal Oversight)  
 SB 283-Hoskins (In Fiscal Oversight)  
 SS for SCS for SB 230-Crawford  
 SS for SCS for SJR 2-Emery

SCS for SBs 12 & 123-Cunningham  
 SB 202-Romine  
 SCS for SB 101-Riddle (In Fiscal Oversight)  
 SS for SCS for SB 9-Emery

## SENATE BILLS FOR PERFECTION

1. SB 168-Wallingford, with SCS  
 2. SB 19-Libla  
 3. SB 201-Romine  
 4. SB 138-Riddle  
 5. SB 264-Crawford  
 6. SB 219-Hoskins, with SCS  
 7. SB 71-Brown  
 8. SB 108-Koenig, with SCS  
 9. SB 87-Wallingford  
 10. SB 174-Crawford, with SCS  
 11. SB 52-Eigel, with SCS  
 12. SB 145-Burlison  
 13. SJR 1-Sater and Onder  
 14. SB 5-Sater, et al, with SCS  
 15. SB 222-Hough  
 16. SB 218-Hoskins  
 17. SB 306-White  
 18. SB 297-White  
 19. SJR 13-Holsman, with SCS  
 20. SB 88-Libla  
 21. SB 155-Luetkemeyer

22. SB 328-Burlison, with SCS  
 23. SB 330-Brown, with SCS  
 24. SB 332-Brown  
 25. SB 259-Romine  
 26. SB 225-Curls  
 27. SB 3-Curls  
 28. SBs 70 & 128-Hough, with SCS  
 29. SB 11-Cunningham  
 30. SB 316-Burlison  
 31. SB 350-O'Laughlin  
 32. SB 118-Cierpiot, with SCS  
 33. SB 141-Koenig  
 34. SB 344-Eigel, with SCS  
 35. SB 282-Brown  
 36. SB 210-May  
 37. SB 333-Rizzo  
 38. SJRs 14 & 9-Luetkemeyer, with SCS  
 39. SB 255-Bernskoetter  
 40. SB 211-Wallingford  
 41. SB 37-Onder and Nasheed, with SCS

## HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Hegeman)

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 4-Sater

SB 10-Cunningham, with SCS & SA 1 (pending)

SB 14-Wallingford	SB 65-White
SB 16-Romine, with SCS, SS for SCS, SA 3 & point of order (pending)	SB 69-Hough
SB 39-Onder	SB 76-Sater, with SCS (pending)
SB 44-Hoskins, with SCS & SS for SCS (pending)	SB 100-Riddle
SBs 46 & 50-Koenig, with SCS, SS for SCS & SA 6 (pending)	SB 132-Emery, with SCS
SB 49-Rowden, with SCS	SB 154-Luetkemeyer, with SS & SA 2 (pending)
SB 56-Cierpiot, with SCS, SS for SCS & SA 1 (pending)	SB 160-Koenig, with SCS, SS for SCS & SA 2 (pending)
SB 57-Cierpiot	SB 184-Wallingford, with SCS
	SB 224-Luetkemeyer, with SS (pending)
	SB 252-Wieland, with SCS
	SB 292-Eigel, with SCS

## CONSENT CALENDAR

## Senate Bills

## Reported 2/7

SB 131-Emery, with SCS	SB 54-Crawford
SB 103-Schupp	

## Reported 2/14

SB 83-Cunningham, with SCS	SB 164-Schupp
SB 179-Cunningham	SB 84-Cunningham

## Reported 2/21

SB 147-Sater, with SCS	SB 267-Wieland, with SCS
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## Reported 2/28

SB 206-Arthur	SB 204-Riddle
SB 152-Holsman	SB 68-Hough

## Reported 3/7

SB 373-Schupp  
SB 246-Hough

SB 405-Wallingford

## RESOLUTIONS

SR 20-Holsman

## Reported from Committee

SCR 1-Walsh  
SCR 13-Emery

SCR 14-Schatz  
SR 254-Cunningham

## To be Referred

SCR 23-Luetkemeyer

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# Journal of the Senate

## FIRST REGULAR SESSION

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**THIRTY-SEVENTH DAY—THURSDAY, MARCH 14, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“...for the Lord your God is with you where you go.” (Joshua 1:9)

Heavenly Father as we finish up today and leave to spend time on break with those we love may we use this time to strengthen our bonds of love and friendship. May we be re-energized and relaxed in ways we don’t normally do. May this time be a blessing for us that finds us closer to You and open to hear Your voice. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

**Present—Senators**

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

**Absent—Senators—None**

**Absent with leave—Senator Schupp—1**

**Vacancies—None**

The Lieutenant Governor was present.

The Senate observed a moment of silence in memory of Harry Seltzer.

### REFERRALS

President Pro Tem Schatz referred **SCR 23** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Schatz referred **SS** for **SCS** for **SB 9** and **SS** for **SCS** for **SJR 2** to the Committee on Fiscal Oversight.

### REPORTS OF STANDING COMMITTEES

Senator Schatz, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Richard L. Ebersold, Republican and Alan L. Landes, Republican, as members of the Missouri Western State University Board of Governors; and

Lieutenant Colonel Eric T. Olson, as the Superintendent of the Missouri State Highway Patrol.

Senator Schatz requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Schatz moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

President Pro Tem Schatz assumed the Chair.

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **SB 78**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Emery, Chairman of the Committee on Government Reform, submitted the following reports:

Mr. President: Your Committee on Government Reform, to which was referred **SB 431**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **SB 349**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **SB 276**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **SB 150**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **SB 62**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **SCS** for **SB 101**; **SB 283**; and **SCS** for **SB 180** begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Wallingford, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 278**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 293**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Romine, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 358**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 205**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Libla, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 234**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 363**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 368**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 371**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SJR 18**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Hegeman, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 29**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wieland, Chairman of the Committee on Insurance and Banking, submitted the following report:

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 302**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 347**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 31**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following reports:

Mr. President: Your Committee on Professional Registration, to which was referred **SB 34**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Professional Registration, to which was referred **SB 318**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Onder, Chairman of the Committee on Health and Pensions, submitted the following reports:

Mr. President: Your Committee on Health and Pensions, to which was referred **SB 185**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Health and Pensions, to which was referred **SB 275**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Health and Pensions, to which was referred **SB 298**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health and Pensions, to which were referred **SB 279**, **SB 139**, and **SB 345**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health and Pensions, to which was referred **SB 312**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Eigel, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SB 300**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 343**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Hoskins, Chairman of the Committee on Small Business and Industry, submitted the following report:

Mr. President: Your Committee on Small Business and Industry, to which was referred **SB 228**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business and Industry, to which was referred **SB 354**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crawford, Chairman of the Committee on Local Government and Elections, submitted the following reports:

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 397**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 468**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Cierpiot, Chairman of the Committee on Economic Development, submitted the following report:

Mr. President: Your Committee on Economic Development, to which was referred **SB 97**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bernskoetter, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 391**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Luetkemeyer, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS for SB 213**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 3**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 8**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred

**SCR 15**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 17**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 19**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

President Kehoe assumed the Chair.

### THIRD READING OF SENATE BILLS

**SCS** for **SB 180**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 180

An Act to repeal sections 620.2005, 620.2010, and 620.2020, RSMo, and to enact in lieu thereof three new sections relating to the Missouri works program.

Was taken up by Senator Wallingford.

On motion of Senator Wallingford, **SCS** for **SB 180** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Eigel	Hegeman	Holsman	Hoskins	Hough	Libla	Luetkemeyer
May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Sifton	Wallingford	Walsh	White
Wieland	Williams—30					

#### NAYS—Senators

Burlison	Emery	Koenig—3
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Absent—Senators—None

Absent with leave—Senator Schupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 283**, introduced by Senator Hoskins, entitled:

An Act to repeal section 173.234, RSMo, and to enact in lieu thereof one new section relating to higher education financial aid for families of military members.

Was taken up.

On motion of Senator Hoskins, **SB 283** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Schupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hoskins, title to the bill was agreed to.

Senator Hoskins moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SS for SCS for SB 230**, introduced by Senator Crawford, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 230

An Act to repeal sections 209.625, 472.010, 475.035, and 475.115, RSMo, and to enact in lieu thereof four new sections relating to guardianship and conservatorship proceedings.

Was taken up.

On motion of Senator Crawford, **SS for SCS for SB 230** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		



NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Schupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SCS for SBs 12 and 123**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 12 and 123

An Act to repeal section 57.280, RSMo, and to enact in lieu thereof one new section relating to charges for the service of court orders.

Was taken up by Senator Cunningham.

On motion of Senator Cunningham, **SCS for SBs 12 and 123** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Schupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 202**, introduced by Senator Romine, entitled:

An Act to amend chapter 256, RSMo, by adding thereto one new section relating to mining royalties on federal land.

Was taken up.

On motion of Senator Romine, **SB 202** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Schupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 101**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 101

An Act to amend chapter 209, RSMo, by adding thereto one new section relating to a statewide hearing aid distribution program.

Was taken up by Senator Riddle.

On motion of Senator Riddle, **SCS** for **SB 101** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Hegeman	Holsman	Hoskins	Hough	Libla	Luetkemeyer	May
Nasheed	O’Laughlin	Onder	Riddle	Rizzo	Romine	Rowden
Sater	Schatz	Sifton	Wallingford	Walsh	White	Wieland
Williams—29						

NAYS—Senators

Burlison	Eigel	Emery	Koenig—4
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Absent—Senators—None

Absent with leave—Senator Schupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### HOUSE BILLS ON THIRD READING

**HCS for HB 14, with SCS, entitled:**

An Act to appropriate money for supplemental purposes for the expenses, grants, and distributions of the several departments and offices of state government and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the fiscal period ending June 30, 2019.

Was taken up by Senator Hegeman.

**SCS for HCS for HB 14, entitled:**

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 14

An Act to appropriate money for supplemental purposes for the expenses, grants, and distributions of the several departments and offices of state government and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the fiscal period ending June 30, 2019.

Was taken up.

Senator Hegeman moved that **SCS for HCS for HB 14** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SCS for HCS for HB 14** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	O’Laughlin	Onder	Riddle	Rizzo	Romine	Rowden
Sater	Schatz	Wallingford	White	Wieland	Williams—27	

#### NAYS—Senators

Arthur	Holsman	May	Nasheed	Sifton	Walsh—6
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Absent—Senators—None

Absent with leave—Senator Schupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

President Pro Tem Schatz assumed the Chair.

### REPORTS OF STANDING COMMITTEES

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following report:

Mr. President: Your Committee on Professional Registration, to which were referred **SB 153** and **SB 117**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Kehoe assumed the Chair.

### REFERRALS

President Pro Tem Schatz referred **SS** for **SB 213** to the Committee on Fiscal Oversight.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 564**, entitled:

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to professional registration.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 547**, entitled:

An Act to repeal section 478.001, RSMo, and to enact in lieu thereof one new section relating to veteran treatment courts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 646**, entitled:

An Act to repeal section 178.931, RSMo, and to enact in lieu thereof one new section relating to sheltered workshops.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 829**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to costs of litigation arising from Article XIV of the Constitution of Missouri.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 523**, entitled:

An Act to repeal section 407.1107, RSMo, and to enact in lieu thereof one new section relating to the no-call list, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 730**, entitled:

An Act to repeal sections 544.455 and 557.011, RSMo, and to enact in lieu thereof three new sections relating to the reimbursement of costs related to electronic monitoring.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 612**, entitled:

An Act to repeal section 620.010, RSMo, and to enact in lieu thereof two new sections relating to the Missouri state council on the arts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 466**, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to home- and community-based care and personal care assistant services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 470**, entitled:

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to apprenticeship programs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 757**, entitled:

An Act to repeal sections 443.717, 443.825, and 443.857, RSMo, and to enact in lieu thereof three new sections relating to mortgage loan originators.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 926**, entitled:

An Act to repeal section 301.560, RSMo, and to enact in lieu thereof one new section relating to dealer license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 410**, entitled:

An Act to repeal sections 334.506 and 334.613, RSMo, and to enact in lieu thereof two new sections relating to the scope of practice for physical therapists.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **HB 499**, entitled:

An Act to repeal sections 304.580, 304.585, and 304.894, RSMo, and to enact in lieu thereof three new sections relating to accidents occurring in work or emergency zones, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## **SECOND READING OF SENATE BILLS**

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

**SB 471**—Agriculture, Food Production and Outdoor Resources.

**SB 472**—Agriculture, Food Production and Outdoor Resources.

**SB 473**—Agriculture, Food Production and Outdoor Resources.

**SB 474**—Education.

**SB 475**—Education.

**SB 476**—Veterans and Military Affairs.

**SB 477**—Economic Development.

**SB 478**—Education.

**SB 479**—Judiciary and Civil and Criminal Jurisprudence.

**SB 480**—Health and Pensions.

**SB 481**—Ways and Means.

**SB 482**—Agriculture, Food Production and Outdoor Resources.

**SB 483**—Commerce, Consumer Protection, Energy and the Environment.

**SB 484**—Small Business and Industry.

**SB 485**—General Laws.

**SB 486**—Seniors, Families and Children.

**SB 488**—Judiciary and Civil and Criminal Jurisprudence.

**SB 489**—Ways and Means.

**SB 490**—Professional Registration.

**SB 491**—Local Government and Elections.

**SB 492**—Commerce, Consumer Protection, Energy and the Environment.

**SB 493**—Transportation, Infrastructure and Public Safety.

**SB 494**—Judiciary and Civil and Criminal Jurisprudence.

**SB 495**—Government Reform.

**SB 496**—Government Reform.

**SB 497**—Transportation, Infrastructure and Public Safety.

**SB 498**—Government Reform.

**SB 499**—Health and Pensions.

**SB 500**—Professional Registration.

**SB 501**—Transportation, Infrastructure and Public Safety.

**SB 502**—Agriculture, Food Production and Outdoor Resources.

**SB 503**—Seniors, Families and Children.

**SB 504**—Insurance and Banking.

**SB 505**—Transportation, Infrastructure and Public Safety.

**SB 506**—Transportation, Infrastructure and Public Safety.

**SB 507**—Seniors, Families and Children.

**SB 508**—Judiciary and Civil and Criminal Jurisprudence.

**SB 509**—Professional Registration.

**SB 510**—Appropriations.

**SB 511**—Commerce, Consumer Protection, Energy and the Environment.

**SB 512**—Local Government and Elections.

**SB 513**—Local Government and Elections.

**SB 514**—Seniors, Families and Children.

**SB 515**—General Laws.

**SB 516**—Health and Pensions.

**SB 517**—Agriculture, Food Production and Outdoor Resources.

**SB 518**—Judiciary and Civil and Criminal Jurisprudence.

**SJR 22**—Local Government and Elections.

**SJR 23**—Rules, Joint Rules, Resolutions and Ethics.

**SJR 24**—Local Government and Elections.

**SJR 25**—Transportation, Infrastructure and Public Safety.

**SJR 26**—Ways and Means.

**SJR 27**—Transportation, Infrastructure and Public Safety.

**SJR 28**—Ways and Means.

**SJR 29**—Rules, Joint Rules, Resolutions and Ethics.

**SJR 30**—Government Reform.



**INTRODUCTIONS OF GUESTS**

Senator Bernskoetter introduced to the Senate, Reverend Cornell C. Sudduth, Sr., and his wife Susan, Jefferson City.

Senator Schatz introduced to the Senate, Aleah Kolkmeier and Zoe Wilson, Wellington.

Senator Riddle introduced to the Senate, advisors Jan Hankinson, Becky Lavy and Josie Redmon; and Gunner Sexton, Matt Clark, Landon Massey, Jace Ellis, Elizabeth Schierhoff, Cora Johnson, Kara Hemeyer and Alexa Green, Montgomery County Middle School.

Senator Libla introduced to the Senate, Teacher Jackie Collins; Jessica Howard, MacKenzie Matheny and Lester Gillespie; and Suave Fitzpatrick, Royquavious Bogan, TaMarye Jones, Jacquan Dority, Stacie Bradshaw, Christavion Atchison, Demetria Deberry, Danielle Henderson, Shaniyla Henderson, Shannon Henderson, Samiyah Wheeler, Dymond Williams, Darnelle Rodgers, Jason Rodgers, Kyle McLemore, Clarissa Ibarra, BriNaiah Jones, and Raven Gipson, representatives of Substance Use Prevention Youth Coalition, Caruthersville and Charleston.

Senator Williams introduced to the Senate, Amour Jones, Erica Wiley, Sheila Powell-Walker; and DeAngelo Davis, Larrion Conley, Khloe Fox, Jayla Fitch, Kayla Anderson and representatives of United Community Services/NCADA, St. Louis.

Senator Sater introduced to the Senate, Harrison and McKenna Jobes, Rogersville; and Harrison and McKenna were made honorary pages.

Senator O’Laughlin introduced to the Senate, Ruth Curtman, and her children, Oliver and Piper, New Haven.

Senator Rowden introduced to the Senate, Emily Crumbliss, and fourth and fifth-grade students from Ridgeway Elementary School, Columbia.

On motion of Senator Rowden, the Senate adjourned until 12:00 p.m., Wednesday, March 20, 2019.

**SENATE CALENDAR**  

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THIRTY-EIGHTH DAY–WEDNESDAY, MARCH 20, 2019

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**FORMAL CALENDAR****HOUSE BILLS ON SECOND READING**

HCS for HB 324  
HB 113-Smith  
HB 321-Solon  
HB 402-Basye  
HCS for HB 242

HCS for HB 303  
HB 70-Dinkins  
HB 461-Pfautsch  
HCS for HB 239  
HCS for HB 354

HB 441-Fitzwater  
 HB 138-Kidd  
 HB 126-Schroer  
 HCS for HB 207  
 HCS for HBs 743 & 673  
 HCS for HB 678  
 HB 219-Wood  
 HB 599-Bondon  
 HCS for HB 225  
 HB 260-Taylor  
 HCS for HB 192  
 HB 588-Rone  
 HB 114-Pietzman  
 HCS for HB 333  
 HCS for HB 469  
 HCS for HBs 161 & 401  
 HB 821-Solon  
 HCS for HB 220  
 HB 587-Rone  
 HCS for HB 399

HB 78-Black  
 HB 204-Anderson  
 HB 565-Morse  
 HCS for HB 487  
 HB 250-Schroer  
 HCS for HB 270  
 HCS for HB 532  
 HCS for HB 564  
 HCS for HB 547  
 HB 646-Rowland  
 HB 829-Wood  
 HB 523-Roden  
 HCS for HB 730  
 HB 612-Coleman  
 HCS for HB 466  
 HB 470-Grier  
 HB 757-Bondon  
 HB 926-Shawan  
 HCS for HB 410  
 HCS#2 for HB 499

### THIRD READING OF SENATE BILLS

SS for SCS for SJR 2-Emery (In Fiscal Oversight)  
 SS for SCS for SB 9-Emery (In Fiscal Oversight)

SS for SB 213-Hegeman (In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

1. SB 168-Wallingford, with SCS
2. SB 19-Libla
3. SB 201-Romine
4. SB 138-Riddle
5. SB 264-Crawford
6. SB 219-Hoskins, with SCS
7. SB 71-Brown
8. SB 108-Koenig, with SCS
9. SB 87-Wallingford
10. SB 174-Crawford, with SCS
11. SB 52-Eigel, with SCS
12. SB 145-Burlison
13. SJR 1-Sater and Onder

14. SB 5-Sater, et al, with SCS
15. SB 222-Hough
16. SB 218-Hoskins
17. SB 306-White
18. SB 297-White
19. SJR 13-Holsman, with SCS
20. SB 88-Libla
21. SB 155-Luetkemeyer
22. SB 328-Burlison, with SCS
23. SB 330-Brown, with SCS
24. SB 332-Brown
25. SB 259-Romine
26. SB 225-Curls

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| 27. SB 3-Curls                        | 48. SB 278-Wallingford, with SCS                    |
| 28. SBs 70 & 128-Hough, with SCS      | 49. SB 293-Hough, with SCS                          |
| 29. SB 11-Cunningham                  | 50. SB 205-Arthur, with SCS                         |
| 30. SB 316-Burlison                   | 51. SB 234-White                                    |
| 31. SB 350-O'Laughlin                 | 52. SB 363-Riddle, with SCS                         |
| 32. SB 118-Cierpiot, with SCS         | 53. SJR 18-Cunningham                               |
| 33. SB 141-Koenig                     | 54. SB 29-Hegeman, with SCS                         |
| 34. SB 344-Eigel, with SCS            | 55. SB 31-Wieland                                   |
| 35. SB 282-Brown                      | 56. SB 34-Riddle, with SCS                          |
| 36. SB 210-May                        | 57. SB 318-Burlison                                 |
| 37. SB 333-Rizzo                      | 58. SB 298-White, with SCS                          |
| 38. SJRs 14 & 9-Luetkemeyer, with SCS | 59. SBs 279, 139 & 345-Onder and Emery,<br>with SCS |
| 39. SB 255-Bernskoetter               | 60. SB 312-Eigel                                    |
| 40. SB 211-Wallingford                | 61. SB 300-Eigel                                    |
| 41. SB 37-Onder and Nasheed, with SCS | 62. SB 343-Eigel, with SCS                          |
| 42. SB 78-Sater                       | 63. SB 354-Cierpiot, with SCS                       |
| 43. SB 431-Schatz, with SCS           | 64. SB 97-Hegeman, with SCS                         |
| 44. SB 349-O'Laughlin, with SCS       | 65. SB 391-Bernskoetter                             |
| 45. SB 276-Rowden, with SCS           | 66. SB 1-Curls and Nasheed, with SCS                |
| 46. SB 150-Koenig, with SCS           | 67. SBs 153 & 117-Sifton, with SCS                  |
| 47. SB 62-Burlison, with SCS          |   |

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 4-Sater   | SB 57-Cierpiot  |
| SB 10-Cunningham, with SCS & SA 1 (pending)                            | SB 65-White   |
| SB 14-Wallingford  | SB 69-Hough   |
| SB 16-Romine, with SCS, SS for SCS, SA 3<br>& point of order (pending) | SB 76-Sater, with SCS (pending)                         |
| SB 39-Onder  | SB 100-Riddle   |
| SB 44-Hoskins, with SCS & SS for SCS<br>(pending)                      | SB 132-Emery, with SCS                                  |
| SBs 46 & 50-Koenig, with SCS, SS for SCS<br>& SA 6 (pending)           | SB 154-Luetkemeyer, with SS & SA 2 (pending)            |
| SB 49-Rowden, with SCS   | SB 160-Koenig, with SCS, SS for SCS & SA 2<br>(pending) |
| SB 56-Cierpiot, with SCS, SS for SCS & SA 1<br>(pending)               | SB 184-Wallingford, with SCS                            |
|  | SB 224-Luetkemeyer, with SS (pending)                   |
|  | SB 252-Wieland, with SCS                                |
|  | SB 292-Eigel, with SCS                                  |

## CONSENT CALENDAR

## Senate Bills

## Reported 2/7

SB 131-Emery, with SCS  
SB 103-Schupp

SB 54-Crawford

## Reported 2/14

SB 83-Cunningham, with SCS  
SB 179-Cunningham

SB 164-Schupp  
SB 84-Cunningham

## Reported 2/21

SB 147-Sater, with SCS

SB 267-Wieland, with SCS

## Reported 2/28

SB 206-Arthur  
SB 152-Holsman

SB 204-Riddle  
SB 68-Hough

## Reported 3/7

SB 373-Schupp  
SB 246-Hough

SB 405-Wallingford

## Reported 3/14

SB 358-Sater  
SB 368-Hough  
SB 371-Eigel  
SB 302-Wallingford  
SB 347-Burlison

SB 185-Wallingford  
SB 275-Sater  
SB 228-Sater  
SB 397-White  
SB 468-Williams

RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 1-Walsh  
SCR 3-Emery  
SCR 8-Holsman  
SCR 13-Emery  
SCR 14-Schatz

SCR 15-Burlison  
SCR 17-Wieland  
SCR 19-Eigel  
SR 254-Cunningham

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# Journal of the Senate

FIRST REGULAR SESSION

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**THIRTY-EIGHTH DAY—WEDNESDAY, MARCH 20, 2019**

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The Senate met pursuant to adjournment.

Senator Rowden in the Chair.

## RESOLUTIONS

On behalf of Senator May, Senator Rowden offered Senate Resolution No. 429, regarding Donald Alphonse “Don” Ruch Sr., Chesterfield, which was adopted.

On behalf of Senator O’Laughlin, Senator Rowden offered Senate Resolution No. 430, regarding Peggy Scott, Kahoka, which was adopted.

On behalf of Senator Riddle, Senator Rowden offered Senate Resolution No. 431, regarding the One Hundredth Birthday of Ken “Bud” Bruning, Warren County, which was adopted.

On behalf of Senator Crawford, Senator Rowden offered Senate Resolution No. 432, regarding Emily Young, which was adopted.

On behalf of Senator Crawford, Senator Rowden offered Senate Resolution No. 433, regarding Ashlynn Leochner, which was adopted.

On behalf of Senator Crawford, Senator Rowden offered Senate Resolution No. 434, regarding Quincey Glendenning, which was adopted.

On behalf of Senator Crawford, Senator Rowden offered Senate Resolution No. 435, regarding Antionna “Dream” Cunningham, which was adopted.

On behalf of Senator Crawford, Senator Rowden offered Senate Resolution No. 436, regarding Talora Frisbee, which was adopted.

On behalf of Senator Libla, Senator Rowden offered Senate Resolution No. 437, regarding Cindy Howell, Poplar Bluff, which was adopted.

On behalf of Senator Libla, Senator Rowden offered Senate Resolution No. 438, regarding Dr. Carol Swain Lewis, Poplar Bluff, which was adopted.

On behalf of Senator Libla, Senator Rowden offered Senate Resolution No. 439, regarding Nicole Sifford, Puxico, which was adopted.

On behalf of Senator Libla, Senator Rowden offered Senate Resolution No. 440, regarding Kathy Richardson, Poplar Bluff, which was adopted.

On behalf of Senator Libla, Senator Rowden offered Senate Resolution No. 441, regarding Lee Spilberg, Poplar Bluff, which was adopted.

On behalf of Senator Libla, Senator Rowden offered Senate Resolution No. 442, regarding Corrie Gordon, which was adopted.

On behalf of Senator Libla, Senator Rowden offered Senate Resolution No. 443, regarding Lieutenant Ryan Smith, which was adopted.

On behalf of Senator White, Senator Rowden offered Senate Resolution No. 444, regarding Dayton Fields, which was adopted.

On behalf of Senator Burlison, Senator Rowden offered Senate Resolution No. 445, regarding the Ninetieth Birthday of Marjorie Jean Shelton, Willard, which was adopted.

Senator Rowden offered Senate Resolution No. 446, regarding Catherine Gjerstad, Columbia, which was adopted.

Senator Rowden offered Senate Resolution No. 447, regarding League of Women Voters of Boone County, which was adopted.

Senator Rowden offered Senate Resolution No. 448, regarding Madeline Clarke, Ashland, which was adopted.

Senator Rowden offered Senate Resolution No. 449, regarding Kyra Florea, Columbia, which was adopted.

On behalf of Senator Hoskins, Senator Rowden offered Senate Resolution No. 450, regarding Samuel Nelson, Kansas City, which was adopted.

On behalf of Senator Hoskins, Senator Rowden offered Senate Resolution No. 451, regarding Kevin Hoskins, Chillicothe, which was adopted.

On behalf of Senator Schatz, Senator Rowden offered Senate Resolution No. 452, regarding East Central College, which was adopted.

On behalf of Senator Bernskoetter, Senator Rowden offered Senate Resolution No. 453, regarding Lucas Dyer, Jefferson City, which was adopted.

On behalf of Senator Bernskoetter, Senator Rowden offered Senate Resolution No. 454, regarding Arthur Schneider, Hermann, which was adopted.

On behalf of Senator Bernskoetter, Senator Rowden offered Senate Resolution No. 455, regarding Stephanie Scott, Jefferson City, which was adopted.

On behalf of Senator Bernskoetter, Senator Rowden offered Senate Resolution No. 456, regarding Heather Lange, Jefferson City, which was adopted.

On behalf of Senator Bernskoetter, Senator Rowden offered Senate Resolution No. 457, regarding Melissa Growney, Jefferson City, which was adopted.

On behalf of Senator Bernskoetter, Senator Rowden offered Senate Resolution No. 458, regarding Heather Hingst, Hermann, which was adopted.

On behalf of Senator Bernskoetter, Senator Rowden offered Senate Resolution No. 459, regarding Master Mason John Spann, which was adopted.

On behalf of Senator Bernskoetter, Senator Rowden offered Senate Resolution No. 460, regarding Vicky Edwards, Jefferson City, which was adopted.

Senator Rowden offered Senate Resolution No. 461, regarding Missouri Interscholastic Press Association, which was adopted.

On behalf of Senator Hoskins, Senator Rowden offered Senate Resolution No. 462, regarding Joe Bean, Kansas City, which was adopted.

On behalf of Senator Hoskins, Senator Rowden offered Senate Resolution No. 463, regarding Carolyn Culp, Columbia, which was adopted.

On motion of Senator Rowden, the Senate adjourned until 2:00 p.m., Monday, March 25, 2019.

## SENATE CALENDAR

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THIRTY-NINTH DAY—MONDAY, MARCH 25, 2019

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## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HCS for HB 324  
HB 113-Smith  
HB 321-Solon  
HB 402-Basye  
HCS for HB 242  
HCS for HB 303  
HB 70-Dinkins  
HB 461-Pfautsch  
HCS for HB 239  
HCS for HB 354  
HB 441-Fitzwater  
HB 138-Kidd  
HB 126-Schroer

HCS for HB 207  
HCS for HBs 743 & 673  
HCS for HB 678  
HB 219-Wood  
HB 599-Bondon  
HCS for HB 225  
HB 260-Taylor  
HCS for HB 192  
HB 588-Rone  
HB 114-Pietzman  
HCS for HB 333  
HCS for HB 469  
HCS for HBs 161 & 401



HB 821-Solon  
HCS for HB 220  
HB 587-Rone  
HCS for HB 399  
HB 78-Black  
HB 204-Anderson  
HB 565-Morse  
HCS for HB 487  
HB 250-Schroer  
HCS for HB 270  
HCS for HB 532  
HCS for HB 564

HCS for HB 547  
HB 646-Rowland  
HB 829-Wood  
HB 523-Roden  
HCS for HB 730  
HB 612-Coleman  
HCS for HB 466  
HB 470-Grier  
HB 757-Bondon  
HB 926-Shawan  
HCS for HB 410  
HCS#2 for HB 499

### THIRD READING OF SENATE BILLS

SS for SCS for SJR 2-Emery (In Fiscal Oversight)  
SS for SCS for SB 9-Emery (In Fiscal Oversight)

SS for SB 213-Hegeman (In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

1. SB 168-Wallingford, with SCS
2. SB 19-Libla
3. SB 201-Romine
4. SB 138-Riddle
5. SB 264-Crawford
6. SB 219-Hoskins, with SCS
7. SB 71-Brown
8. SB 108-Koenig, with SCS
9. SB 87-Wallingford
10. SB 174-Crawford, with SCS
11. SB 52-Eigel, with SCS
12. SB 145-Burlison
13. SJR 1-Sater and Onder
14. SB 5-Sater, et al, with SCS
15. SB 222-Hough
16. SB 218-Hoskins
17. SB 306-White
18. SB 297-White
19. SJR 13-Holsman, with SCS
20. SB 88-Libla

21. SB 155-Luetkemeyer
22. SB 328-Burlison, with SCS
23. SB 330-Brown, with SCS
24. SB 332-Brown
25. SB 259-Romine
26. SB 225-Curls
27. SB 3-Curls
28. SBs 70 & 128-Hough, with SCS
29. SB 11-Cunningham
30. SB 316-Burlison
31. SB 350-O'Laughlin
32. SB 118-Cierpiot, with SCS
33. SB 141-Koenig
34. SB 344-Eigel, with SCS
35. SB 282-Brown
36. SB 210-May
37. SB 333-Rizzo
38. SJRs 14 & 9-Luetkemeyer, with SCS
39. SB 255-Bernskoetter
40. SB 211-Wallingford

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|---------------------------------------|--|
| 41. SB 37-Onder and Nasheed, with SCS | 55. SB 31-Wieland                                |
| 42. SB 78-Sater                       | 56. SB 34-Riddle, with SCS                       |
| 43. SB 431-Schatz, with SCS           | 57. SB 318-Burlison                              |
| 44. SB 349-O'Laughlin, with SCS       | 58. SB 298-White, with SCS                       |
| 45. SB 276-Rowden, with SCS           | 59. SBs 279, 139 & 345-Onder and Emery, with SCS |
| 46. SB 150-Koenig, with SCS           | 60. SB 312-Eigel                                 |
| 47. SB 62-Burlison, with SCS          | 61. SB 300-Eigel                                 |
| 48. SB 278-Wallingford, with SCS      | 62. SB 343-Eigel, with SCS                       |
| 49. SB 293-Hough, with SCS            | 63. SB 354-Cierpiot, with SCS                    |
| 50. SB 205-Arthur, with SCS           | 64. SB 97-Hegeman, with SCS                      |
| 51. SB 234-White                      | 65. SB 391-Bernskoetter                          |
| 52. SB 363-Riddle, with SCS           | 66. SB 1-Curls and Nasheed, with SCS             |
| 53. SJR 18-Cunningham                 | 67. SBs 153 & 117-Sifton, with SCS               |
| 54. SB 29-Hegeman, with SCS           |  |

#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 4-Sater   | SB 57-Cierpiot  |
| SB 10-Cunningham, with SCS & SA 1 (pending)                            | SB 65-White   |
| SB 14-Wallingford  | SB 69-Hough   |
| SB 16-Romine, with SCS, SS for SCS, SA 3<br>& point of order (pending) | SB 76-Sater, with SCS (pending)                         |
| SB 39-Onder  | SB 100-Riddle   |
| SB 44-Hoskins, with SCS & SS for SCS<br>(pending)                      | SB 132-Emery, with SCS                                  |
| SBs 46 & 50-Koenig, with SCS, SS for SCS<br>& SA 6 (pending)           | SB 154-Luetkemeyer, with SS & SA 2 (pending)            |
| SB 49-Rowden, with SCS   | SB 160-Koenig, with SCS, SS for SCS & SA 2<br>(pending) |
| SB 56-Cierpiot, with SCS, SS for SCS & SA 1<br>(pending)               | SB 184-Wallingford, with SCS                            |
|  | SB 224-Luetkemeyer, with SS (pending)                   |
|  | SB 252-Wieland, with SCS                                |
|  | SB 292-Eigel, with SCS                                  |

#### CONSENT CALENDAR

##### Senate Bills

Reported 2/7

SB 131-Emery, with SCS

SB 103-Schupp

SB 54-Crawford

Reported 2/14

SB 83-Cunningham, with SCS  
SB 179-Cunningham

SB 164-Schupp  
SB 84-Cunningham

Reported 2/21

SB 147-Sater, with SCS

SB 267-Wieland, with SCS

Reported 2/28

SB 206-Arthur  
SB 152-Holsman

SB 204-Riddle  
SB 68-Hough

Reported 3/7

SB 373-Schupp  
SB 246-Hough

SB 405-Wallingford

Reported 3/14

SB 358-Sater  
SB 368-Hough  
SB 371-Eigel  
SB 302-Wallingford  
SB 347-Burlison

SB 185-Wallingford  
SB 275-Sater  
SB 228-Sater  
SB 397-White  
SB 468-Williams

## RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 1-Walsh  
SCR 3-Emery

SCR 8-Holsman  
SCR 13-Emery

SCR 14-Schatz  
SCR 15-Burlison  
SCR 17-Wieland

SCR 19-Eigel  
SR 254-Cunningham

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# Journal of the Senate

FIRST REGULAR SESSION

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**THIRTY-NINTH DAY—MONDAY, MARCH 25, 2019**

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The Senate met pursuant to adjournment.

President Pro Tem Schatz in the Chair.

## **SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **HCS** for **HBs 448** and **206**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

On motion of Senator Rowden, the Senate recessed until 4:00 p.m.

## **RECESS**

The time of recess having expired, the Senate was called to order by President Kehoe.

Reverend Carl Gauck offered the following prayer:

“Give thanks to the Lord for he is good: his steadfast love endures forever.” (Psalm 118:1)

Creative God we give You thanks as we return from a time of relaxing and renewal of mind and body and soul. It is good to return to the work we were elected to do and like doing. It is good to be back with colleagues who work with us to improve the lives of others and provide opportunities for justice to reign. So we ask that You bless us and help us be Your servants in all we were created to be about. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, March 14, 2019 and Wednesday, March 20, 2019 were read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough

Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

The Senate observed a moment of silence in memory of Harry Seltzer and Minnette Maltzman.

### **RESOLUTIONS**

Senator Rowden offered Senate Resolution No. 464, regarding University of Missouri Adult Day Connection, which was adopted.

Senator Rowden offered Senate Resolution No. 465, regarding Andrew Huddleston, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 466, regarding the One Hundred Fiftieth Anniversary of the Immanuel Lutheran Church and School-Honey Creek, Cole County, which was adopted.

Senator Rowden offered Senate Resolution No. 467, regarding John Andrew “Dude” Jensen, Columbia, which was adopted.

Senator Holsman offered Senate Resolution No. 468, regarding Logan Rader, which was adopted.

Senator Holsman offered Senate Resolution No. 469, regarding Libby Elliot, which was adopted.

Senator Cierpiot offered Senate Resolution No. 470, regarding Amanda Munsell, Lee’s Summit, which was adopted.

Senator Walsh offered Senate Resolution No. 471, regarding Alan Scheibel, Florissant, which was adopted.

Senator Onder offered Senate Resolution No. 472, regarding Evan Stephenson, Lake St. Louis, which was adopted.

Senator Onder offered Senate Resolution No. 473, regarding Sai Gajagowni, O’Fallon, which was adopted.

Senator Onder offered Senate Resolution No. 474, regarding Lynell Cunningham, Wentzville, which was adopted.

Senator Onder offered Senate Resolution No. 475, regarding the Seventieth Birthday of David W. Evans, which was adopted.

Senator Rizzo offered Senate Resolution No. 476, regarding Briana Mahan, Kansas City, which was adopted.

Senator Wallingford offered Senate Resolution No. 477, regarding the One Hundredth Anniversary of the American Legion Department of Missouri, which was adopted.

Senator Wallingford offered Senate Resolution No. 478, regarding Dr. Frank Nickell, Cape Girardeau, which was adopted.

Senator Wallingford offered Senate Resolution No. 479, regarding Lorimier Apartments, Cape Girardeau, which was adopted.

Senator Wallingford offered Senate Resolution No. 480, regarding Christopher Croft, Rolla, which was adopted.

Senator Crawford offered Senate Resolution No. 481, regarding Alec Wilken, Sedalia, which was adopted.

Senator Crawford offered Senate Resolution No. 482, regarding Garren Powell, Hughesville, which was adopted.

Senator Crawford offered Senate Resolution No. 483, regarding Pete Herrera, which was adopted.

Senator Crawford offered Senate Resolution No. 484, regarding Ethan Smith, which was adopted.

Senator Crawford offered Senate Resolution No. 485, regarding Floyd Miller, which was adopted.

Senator Crawford offered Senate Resolution No. 486, regarding Lizzie Miller, which was adopted.

Senator Hegeman offered Senate Resolution No. 487, regarding Madison Foreman, Smithville, which was adopted.

Senator Hegeman offered Senate Resolution No. 488, regarding Elizabeth Stephenson, Maryville, which was adopted.

### **CONCURRENT RESOLUTIONS**

Senators Hegeman and Luetkemeyer offered the following concurrent resolution:

#### **SENATE CONCURRENT RESOLUTION NO. 24**

Whereas, the March 2019 flooding along the Missouri River in Northwest Missouri has risen to historically high levels; and

Whereas, the extensive flooding has destroyed many homes, farms, and businesses, severely impacting the livelihoods of thousands of Missourians, who, in addition to suffering the emotional toll of the disaster, are also suffering a heavy economic burden to repair the devastated lands and infrastructure; and

Whereas, even after the flood waters recede, much work will need to be done to restore the productivity of the damaged agricultural land and repair the ruined homes and businesses; and

Whereas, the U.S. Army Corps of Engineers is charged with management of the Missouri River for eight congressionally-authorized purposes, one of which is flood control; and

Whereas, the Army Corps has neglected flood control as its top priority for too long, putting the citizens of Missouri at risk as evidenced by the recent flooding in the Northwest part of the state; and

Whereas, it is evident that due to the immediate, large-scale and potentially life-threatening impacts upon health and safety caused by flooding, the authorized purpose of flood control must have the utmost importance in any planning activities on the part of the Army Corps:

Now Therefore Be It Resolved that the members of the Missouri Senate, One Hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the Commanding General of the U.S. Army Corps of Engineers to focus on the Corps' mandated responsibility to protect public health and safety through flood control; and

Be It Further Resolved that the U.S. Army Corps of Engineers be urged to continually place the utmost priority on flood control in any future modifications to the Missouri River Master Manual and in its annual planning with the goal of allowing the Army Corps to be able to

successfully react and respond to unpredictable weather and extreme weather events so as to prevent future flooding disasters; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Commanding General of the U.S. Army Corps of Engineers and the members of the Missouri Congressional delegation.

The Senate observed a moment of silence in memory of Kim Tucci.

### SENATE BILLS FOR PERFECTION

At the request of Senator Wallingford, **SB 168**, with **SCS**, was placed on the Informal Calendar.

Senator Libla moved that **SB 19** be taken up for perfection, which motion prevailed.

Senator May offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 19, Pages 3-4, Section 565.056, by striking all of said section from the bill; and

Further amend said bill, pages 4-5, section 575.150 by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Hough assumed the Chair.

At the request of Senator Libla, **SB 19**, with **SA 1** (pending), was placed on the Informal Calendar.

**SB 201** was placed on the Informal Calendar.

Senator Riddle moved that **SB 138** be taken up for perfection, which motion prevailed.

On motion of Senator Riddle, **SB 138** was declared perfected and ordered printed.

Senator Crawford moved that **SB 264** be taken up for perfection, which motion prevailed.

On motion of Senator Crawford, **SB 264** was declared perfected and ordered printed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 450**, entitled:

An Act to repeal sections 194.225 and 302.171, RSMo, and to enact in lieu thereof two new sections relating to organ donors.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 694**, entitled:

An Act to repeal section 43.540, RSMo, and to enact in lieu thereof three new sections relating to criminal history record checks, with penalty provisions and an emergency clause.

Emergency clause adopted.



In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 438**, entitled:

An Act to repeal sections 51.050, 55.060, 58.030, 60.010, 115.306, 115.357, 162.291, 190.050, 204.610, 247.060, 249.140, 321.130, and 483.010, RSMo, and to enact in lieu thereof fourteen new sections relating to requirements to run for certain public offices.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 267**, entitled:

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to elective social studies courses on the Bible.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 240**, entitled:

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to the joint committee on substance abuse prevention and treatment.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **REPORTS OF STANDING COMMITTEES**

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 138**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **COMMUNICATIONS**

Senator Romine submitted the following:

March 25, 2019

Secretary of the Senate  
State Capitol  
Jefferson City, MO 65101

Dear Mrs. Crouse,

Due to my recent accident I request that I temporarily be recognized from my chair on the Senate Floor, and that I be allowed to wear sweat pants while my leg is in a brace.

Thank you,



Gary Romine

### INTRODUCTIONS OF GUESTS

Senator Williams introduced to the Senate, President Glenn Kage, Gene Hite, Kevin Driskell, Michelle Whitley, Cleveland Wilson, Donald R. Looney, Jr., Justina Cramer, Kaitlyn Ruff, Kim Davis and Andrew Gaddy, representatives of United Auto Workers Local 2250, St. Louis.

Senator Williams introduced to the Senate, Ismail Botchway, McKinley Classical Junior Academy, St. Louis.

Senator Hegeman introduced to the Senate, WW II veteran Bob Richards, Albany, and his family, Tom White, Gerald Scott and Pam and Rick Haskell, Sedalia; Angie and Katy Poock, Boonville; Melanie Jenkins, Jefferson City; and Ron Osborn, Belton.

Senator O’Laughlin introduced to the Senate, former State Senator Brian Munzlinger, Williamstown.

On motion of Senator Rowden, the Senate adjourned under the rules.

### SENATE CALENDAR

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FORTIETH DAY—TUESDAY, MARCH 26, 2019

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### FORMAL CALENDAR

#### HOUSE BILLS ON SECOND READING

HCS for HB 324  
HB 113-Smith  
HB 321-Solon  
HB 402-Basye  
HCS for HB 242  
HCS for HB 303  
HB 70-Dinkins  
HB 461-Pfautsch

HCS for HB 239  
HCS for HB 354  
HB 441-Fitzwater  
HB 138-Kidd  
HB 126-Schroer  
HCS for HB 207  
HCS for HBs 743 & 673  
HCS for HB 678

HB 219-Wood	HCS for HB 532
HB 599-Bondon	HCS for HB 564
HCS for HB 225	HCS for HB 547
HB 260-Taylor	HB 646-Rowland
HCS for HB 192	HB 829-Wood
HB 588-Rone	HB 523-Roden
HB 114-Pietzman	HCS for HB 730
HCS for HB 333	HB 612-Coleman
HCS for HB 469	HCS for HB 466
HCS for HBs 161 & 401	HB 470-Grier
HB 821-Solon	HB 757-Bondon
HCS for HB 220	HB 926-Shawan
HB 587-Rone	HCS for HB 410
HCS for HB 399	HCS#2 for HB 499
HB 78-Black	HB 450-Eggleston
HB 204-Anderson	HCS for HB 694
HB 565-Morse	HCS for HB 438
HCS for HB 487	HB 267-Baker
HB 250-Schroer	HB 240-Schroer
HCS for HB 270	

### THIRD READING OF SENATE BILLS

SS for SCS for SJR 2-Emery (In Fiscal Oversight)	SS for SB 213-Hegeman (In Fiscal Oversight)
SS for SCS for SB 9-Emery (In Fiscal Oversight)	SB 138-Riddle

### SENATE BILLS FOR PERFECTION

1. SB 219-Hoskins, with SCS	13. SB 297-White
2. SB 71-Brown	14. SJR 13-Holsman, with SCS
3. SB 108-Koenig, with SCS	15. SB 88-Libla
4. SB 87-Wallingford	16. SB 155-Luetkemeyer
5. SB 174-Crawford, with SCS	17. SB 328-Burlison, with SCS
6. SB 52-Eigel, with SCS	18. SB 330-Brown, with SCS
7. SB 145-Burlison	19. SB 332-Brown
8. SJR 1-Sater and Onder	20. SB 259-Romine
9. SB 5-Sater, et al, with SCS	21. SB 225-Curls
10. SB 222-Hough	22. SB 3-Curls
11. SB 218-Hoskins	23. SBs 70 & 128-Hough, with SCS
12. SB 306-White	24. SB 11-Cunningham

- |                                       |   |
|---------------------------------------|---|
| 25. SB 316-Burlison                   | 45. SB 205-Arthur, with SCS                         |
| 26. SB 350-O'Laughlin                 | 46. SB 234-White                                    |
| 27. SB 118-Cierpiot, with SCS         | 47. SB 363-Riddle, with SCS                         |
| 28. SB 141-Koenig                     | 48. SJR 18-Cunningham                               |
| 29. SB 344-Eigel, with SCS            | 49. SB 29-Hegeman, with SCS                         |
| 30. SB 282-Brown                      | 50. SB 31-Wieland                                   |
| 31. SB 210-May                        | 51. SB 34-Riddle, with SCS                          |
| 32. SB 333-Rizzo                      | 52. SB 318-Burlison                                 |
| 33. SJRs 14 & 9-Luetkemeyer, with SCS | 53. SB 298-White, with SCS                          |
| 34. SB 255-Bernskoetter               | 54. SBs 279, 139 & 345-Onder and Emery,<br>with SCS |
| 35. SB 211-Wallingford                | 55. SB 312-Eigel                                    |
| 36. SB 37-Onder and Nasheed, with SCS | 56. SB 300-Eigel                                    |
| 37. SB 78-Sater                       | 57. SB 343-Eigel, with SCS                          |
| 38. SB 431-Schatz, with SCS           | 58. SB 354-Cierpiot, with SCS                       |
| 39. SB 349-O'Laughlin, with SCS       | 59. SB 97-Hegeman, with SCS                         |
| 40. SB 276-Rowden, with SCS           | 60. SB 391-Bernskoetter                             |
| 41. SB 150-Koenig, with SCS           | 61. SB 1-Curls and Nasheed, with SCS                |
| 42. SB 62-Burlison, with SCS          | 62. SBs 153 & 117-Sifton, with SCS                  |
| 43. SB 278-Wallingford, with SCS      |   |
| 44. SB 293-Hough, with SCS            |   |

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 4-Sater   | SB 65-White   |
| SB 10-Cunningham, with SCS & SA 1 (pending)                            | SB 69-Hough   |
| SB 14-Wallingford  | SB 76-Sater, with SCS (pending)                         |
| SB 16-Romine, with SCS, SS for SCS, SA 3<br>& point of order (pending) | SB 100-Riddle   |
| SB 19-Libla, with SA 1 (pending)                                       | SB 132-Emery, with SCS                                  |
| SB 39-Onder  | SB 154-Luetkemeyer, with SS & SA 2 (pending)            |
| SB 44-Hoskins, with SCS & SS for SCS<br>(pending)                      | SB 160-Koenig, with SCS, SS for SCS & SA 2<br>(pending) |
| SBs 46 & 50-Koenig, with SCS, SS for SCS<br>& SA 6 (pending)           | SB 168-Wallingford, with SCS                            |
| SB 49-Rowden, with SCS   | SB 184-Wallingford, with SCS                            |
| SB 56-Cierpiot, with SCS, SS for SCS & SA 1<br>(pending)               | SB 201-Romine   |
| SB 57-Cierpiot   | SB 224-Luetkemeyer, with SS (pending)                   |
|  | SB 252-Wieland, with SCS                                |
|  | SB 292-Eigel, with SCS                                  |

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 131-Emery, with SCS  
SB 103-Schupp

SB 54-Crawford

Reported 2/14

SB 83-Cunningham, with SCS  
SB 179-Cunningham

SB 164-Schupp  
SB 84-Cunningham

Reported 2/21

SB 147-Sater, with SCS

SB 267-Wieland, with SCS

Reported 2/28

SB 206-Arthur  
SB 152-Holsman

SB 204-Riddle  
SB 68-Hough

Reported 3/7

SB 373-Schupp  
SB 246-Hough

SB 405-Wallingford

Reported 3/14

SB 358-Sater  
SB 368-Hough  
SB 371-Eigel  
SB 302-Wallingford

SB 347-Burlison  
SB 185-Wallingford  
SB 275-Sater  
SB 228-Sater

SB 397-White

SB 468-Williams

## RESOLUTIONS

SR 20-Holsman

## Reported from Committee

SCR 1-Walsh  
SCR 3-Emery  
SCR 8-Holsman  
SCR 13-Emery  
SCR 14-Schatz

SCR 15-Burlison  
SCR 17-Wieland  
SCR 19-Eigel  
SR 254-Cunningham

## To be Referred

SCR 24-Hegeman and Luetkemeyer

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# Journal of the Senate

## FIRST REGULAR SESSION

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**FORTIETH DAY—TUESDAY, MARCH 26, 2019**

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The Senate met pursuant to adjournment.

Senator Hoskins in the Chair.

Reverend Carl Gauck offered the following prayer:

“A nation is molded by the test that its people meet and master.” (President Lyndon B. Johnson)

Gracious God, we ask that You be with us as we face the test and trials ahead as we work to do those things that are most needed and helpful. We know that the days ahead will challenge us as we go through the hearing and requests that call on us to make difficult decisions, for we know people are affected by those decisions and whether we like it or not we do create winners and losers. So help us Lord, to do the most good in our work together. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

## RESOLUTIONS

Senator Hegeman offered Senate Resolution No. 489, regarding Kali Forbach, Bethany, which was adopted.

Senator Schatz offered Senate Resolution No. 490, regarding Twelker Farm, which was adopted.

Senator Schatz offered Senate Resolution No. 491, regarding Glenda Elliott, which was adopted.

Senator Eigel offered Senate Resolution No. 492, regarding Drake Anderson, O'Fallon, which was adopted.

Senator Eigel offered Senate Resolution No. 493, regarding Kristin Briggs, St. Peters, which was adopted.

Senator Eigel offered Senate Resolution No. 494, regarding Luke Guerdan, St. Charles, which was adopted.

### **REPORTS OF STANDING COMMITTEES**

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 185**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 347**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 302**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 264**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Hoskins.

### **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCS for HB 324**—Judiciary and Civil and Criminal Jurisprudence.



**HB 113**—Judiciary and Civil and Criminal Jurisprudence.  
**HB 321**—Local Government and Elections.  
**HB 402**—Transportation, Infrastructure and Public Safety.  
**HCS for HB 242**—Professional Registration.  
**HCS for HB 303**—Judiciary and Civil and Criminal Jurisprudence.  
**HB 70**—Judiciary and Civil and Criminal Jurisprudence.  
**HB 461**—General Laws.  
**HCS for HB 239**—Health and Pensions.  
**HCS for HB 354**—Insurance and Banking.  
**HB 441**—Judiciary and Civil and Criminal Jurisprudence.  
**HB 138**—Health and Pensions.  
**HB 126**—Health and Pensions.  
**HCS for HB 207**—Transportation, Infrastructure and Public Safety.  
**HCS for HBs 743 and 673**—Education.  
**HCS for HB 678**—Progress and Development.  
**HB 219**—Seniors, Families and Children.  
**HB 599**—Insurance and Banking.  
**HCS for HB 225**—Education.  
**HB 260**—Agriculture, Food Production and Outdoor Resources.  
**HCS for HB 192**—Government Reform.  
**HB 588**—Agriculture, Food Production and Outdoor Resources.  
**HB 114**—Judiciary and Civil and Criminal Jurisprudence.  
**HCS for HB 333**—Ways and Means.  
**HCS for HB 469**—Economic Development.  
**HCS for HBs 161 and 401**—Education.  
**HB 821**—Local Government and Elections.  
**HCS for HB 220**—Ways and Means.  
**HB 587**—Agriculture, Food Production and Outdoor Resources.  
**HCS for HB 399**—Health and Pensions.  
**HB 78**—General Laws.

**HB 204**—Agriculture, Food Production and Outdoor Resources.

**HB 565**—Veterans and Military Affairs.

**HCS for HB 487**—Seniors, Families and Children.

**HB 250**—General Laws.

**HCS for HB 270**—Agriculture, Food Production and Outdoor Resources.

**HCS for HB 532**—Local Government and Elections.

**HCS for HB 564**—Government Reform.

**HCS for HB 547**—Veterans and Military Affairs.

**HB 646**—Seniors, Families and Children.

**HB 829**—Health and Pensions.

**HB 523**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 730**—Judiciary and Civil and Criminal Jurisprudence.

**HB 612**—Professional Registration.

**HCS for HB 466**—Seniors, Families and Children.

**HB 470**—Professional Registration.

**HB 757**—Insurance and Banking.

**HB 926**—Transportation, Infrastructure and Public Safety.

**HCS for HB 410**—Professional Registration.

**HCS No. 2 for HB 499**—Transportation, Infrastructure and Public Safety.

### **REFERRALS**

President Pro Tem Schatz referred **SCR 24** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **THIRD READING OF SENATE BILLS**

**SB 131**, with **SCS**, introduced by Senator Emery, entitled:

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the comprehensive state energy plan.

Was called from the Consent Calendar and taken up.

**SCS for SB 131**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 131**

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the comprehensive state energy plan.

Was taken up.

Senator Emery moved that **SCS** for **SB 131** be adopted, which motion prevailed.

On motion of Senator Emery, **SCS** for **SB 131** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Emery, title to the bill was agreed to.

Senator Emery moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 103**, introduced by Senator Schupp, entitled:

An Act to repeal section 376.690, RSMo, and to enact in lieu thereof one new section relating to unanticipated out-of-network health care services.

Was called from the Consent Calendar and taken up.

On motion of Senator Schupp, **SB 103** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senator Burlison—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schupp, title to the bill was agreed to.

Senator Schupp moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 54**, introduced by Senator Crawford, entitled:

An Act to repeal section 374.191, RSMo, and to enact in lieu thereof one new section relating to interest rates on payments by insurers.

Was called from the Consent Calendar and taken up.

On motion of Senator Crawford, **SB 54** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Brown	Burlison	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Bernskoetter—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 83**, with **SCS**, introduced by Senator Cunningham, entitled:

An Act to repeal section 452.377, RSMo, and to enact in lieu thereof one new section relating to child relocation.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 83**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 83

An Act to repeal section 452.377, RSMo, and to enact in lieu thereof one new section relating to child relocation.

Was taken up.

Senator Cunningham moved that **SCS** for **SB 83** be adopted, which motion prevailed.

On motion of Senator Cunningham, **SCS** for **SB 83** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Brown	Burlison	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Bernskoetter—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 179**, introduced by Senator Cunningham, entitled:

An Act to repeal sections 361.140, 361.230, 361.250, 361.440, 361.520, 362.025, 362.030, 362.042, 362.060, 362.430, 362.440, 362.450, 362.600, 362.660, 369.019, 369.059, 369.074, 369.079, 369.089, and 369.678, RSMo, and to enact in lieu thereof nineteen new sections relating to filings by certain financial institutions with the division of finance.

Was called from the Consent Calendar and taken up.

On motion of Senator Cunningham, **SB 179** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 164**, introduced by Senator Schupp, entitled:

An Act to repeal section 337.712, RSMo, and to enact in lieu thereof one new section relating to marital and family therapists.

Was called from the Consent Calendar and taken up.

On motion of Senator Schupp, **SB 164** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senator Burlison—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schupp, title to the bill was agreed to.

Senator Schupp moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 84**, introduced by Senator Cunningham, entitled:

An Act to repeal section 256.700, RSMo, and to enact in lieu thereof one new section relating to geologic resources fee.

Was called from the Consent Calendar and taken up.

On motion of Senator Cunningham, **SB 84** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder

Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 147**, with **SCS**, introduced by Senator Sater, entitled:

An Act to repeal section 301.130, RSMo, and to enact in lieu thereof one new section relating to motor vehicle registration periods.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 147**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 147

An Act to repeal section 301.030, RSMo, and to enact in lieu thereof one new section relating to motor vehicle registration periods.

Was taken up.

Senator Sater moved that **SCS** for **SB 147** be adopted, which motion prevailed.

On motion of Senator Sater, **SCS** for **SB 147** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 267**, with **SCS**, introduced by Senator Wieland, entitled:

An Act to repeal section 376.427, RSMo, and to enact in lieu thereof one new section relating to direct payment of health care providers.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 267**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 267

An Act to repeal sections 190.205 and 376.427, RSMo, and to enact in lieu thereof two new sections relating to direct payment of health care providers.

Was taken up.

Senator Wieland moved that **SCS** for **SB 267** be adopted, which motion prevailed.

Senator Emery assumed the Chair.

On motion of Senator Wieland, **SCS** for **SB 267** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Riddle
Rizzo	Rowden	Sater	Schatz	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

NAYS—Senator Schupp—1

Absent—Senator Onder—1

Absent with leave—Senator Romine—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Wieland, title to the bill was agreed to.

Senator Wieland moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 206**, introduced by Senator Arthur, entitled:



An Act to repeal section 177.086, RSMo, and to enact in lieu thereof one new section relating to construction of facilities authorized by school districts.

Was called from the Consent Calendar and taken up.

On motion of Senator Arthur, **SB 206** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Romine—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Arthur, title to the bill was agreed to.

Senator Arthur moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 152**, introduced by Senator Holsman, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to providing services to homeless persons.

Was called from the Consent Calendar and taken up.

On motion of Senator Holsman, **SB 152** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wieland	Williams—31				

NAYS—Senator Burlison—1

Absent—Senator White—1

Absent with leave—Senator Romine—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Holsman, title to the bill was agreed to.

Senator Holsman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 204**, introduced by Senator Riddle, entitled:

An Act to repeal sections 337.020 and 337.029, RSMo, and to enact in lieu thereof two new sections relating to psychologist licensees.

Was called from the Consent Calendar and taken up.

On motion of Senator Riddle, **SB 204** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senator Cierpiot—1

Absent with leave—Senator Romine—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 68**, introduced by Senator Hough, entitled:

An Act to repeal section 620.511, RSMo, and to enact in lieu thereof one new section relating to workforce development.

Was called from the Consent Calendar and taken up.

On motion of Senator Hough, **SB 68** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senator Cierpiot—1

Absent with leave—Senator Romine—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hough, title to the bill was agreed to.

Senator Hough moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 373**, introduced by Senator Schupp, entitled:

An Act to repeal section 161.700, RSMo, and to enact in lieu thereof one new section relating to holocaust education and awareness.

Was called from the Consent Calendar and taken up.

On motion of Senator Schupp, **SB 373** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Romine—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schupp, title to the bill was agreed to.

Senator Schupp moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 246**, introduced by Senator Hough, entitled:

An Act to repeal section 385.015, RSMo, and to enact in lieu thereof one new section relating to insurance written in connection with credit transactions.

Was called from the Consent Calendar and taken up.

On motion of Senator Hough, **SB 246** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Romine—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hough, title to the bill was agreed to.

Senator Hough moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 405**, introduced by Senator Wallingford, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to Stars and Stripes day.

Was called from the Consent Calendar and taken up.

Senator Hough assumed the Chair.

On motion of Senator Wallingford, **SB 405** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Romine—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### CONCURRENT RESOLUTIONS

Senator Emery moved that **SCR 3** be taken up for adoption, which motion prevailed.

On motion of Senator Emery, **SCR 3** was adopted by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Rowden	Schatz	Schupp	Wallingford	Walsh
White	Wieland—30					

#### NAYS—Senators—None

#### Absent—Senators

Sater	Sifton	Williams—3
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Absent with leave—Senator Romine—1

Vacancies—None

Senator Wieland moved that **SCR 17** be taken up for adoption, which motion prevailed.

Senator Holsman offered **SA 1**:

### SENATE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 17, as it appears in the Senate Journal for February 14, 2019, Page 269, Line 28 of said journal page, by striking “1-7” and inserting in lieu thereof the following: “8-14”.

Senator Holsman moved that the above amendment be adopted, which motion prevailed.

Senator Wieland moved that **SCR 17**, as amended, be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Rowden	Schatz	Schupp	Wallingford	Walsh
White	Wieland	Williams—31				

#### NAYS—Senators—None

Absent—Senators

Sater                      Sifton—2

Absent with leave—Senator Romine—1

Vacancies—None

## RESOLUTIONS

Senator Cunningham moved that **SR 254** be taken up for adoption, which motion prevailed.

On motion of Senator Cunningham, **SR 254** was adopted.

President Pro Tem Schatz assumed the Chair.

Senator Rowden requested the Senate return the committee report on **SB 185** to the Committee on Rules, Joint Rules, Resolutions and Ethics, which request was granted.

On motion of Senator Rowden, the Senate recessed until 5:00 p.m.

## RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Schatz.

## RESOLUTIONS

Senator Hegeman offered Senate Resolution No. 495, regarding the Association of Missouri Electric Cooperatives, which was adopted.

Senator Schupp offered Senate Resolution No. 496, regarding Deputy Chief of Police James M. Roemer, St. Charles, which was adopted.

Senator Curls offered Senate Resolution No. 497, regarding former Missouri State Senator Yvonne Wilson, Kansas City, which was adopted.

## INTRODUCTIONS OF GUESTS

Senator White introduced to the Senate, Brad Hodson, and his children, Katherine and Daniel, Carl Junction; and Katherine and Daniel were made honorary pages.

On behalf of Senator Rowden and himself, Senator Emery introduced to the Senate, Victor Pasley, Columbia.

On behalf of Senator Romine and herself, Senator Schupp introduced to the Senate, the Physician of the Day, Dr. Keith Wickenhauser, Chesterfield.

Senator Cierpiot introduced to the Senate, Rear Admiral Jeffrey R. Penfield, Retired, Blue Springs.

Senator Brown introduced to the Senate, Teacher Connie Shoemaker; Theresa Harris; and Shawna Harris, Athena Keys and Sarah Hutchens, Rolla High School.

Senator Libla introduced to the Senate, students from Delta C-7, Malden, Charleston, Hayti, South Pemiscot, Portageville, North Pemiscot, Caruthersville and New Madrid schools.

Senator Williams introduced to the Senate, President Linden Bowie, Theodore Williams, Rob McClish, II, Nathaniel Griffin, Sr., Charlie Wright, Sr., J. B. Garriss, Sonya R. Gray, Roderick Williams, Everett W.

Hannon, Jr., Karl M. Thomas and Reverend Dennis Jennings, representatives of Missionary Baptist State Convention of Missouri.

On behalf of Senator Nasheed and himself, Senator Williams introduced to the Senate, Jeff Green, Macon; and Reverend Darryl G. Gray, St. Louis.

On motion of Senator Rowden, the Senate adjourned under the rules.

## SENATE CALENDAR

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FORTY-FIRST DAY—WEDNESDAY, MARCH 27, 2019

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## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HB 450-Eggleston  
HCS for HB 694  
HCS for HB 438

HB 267-Baker  
HB 240-Schroer

### THIRD READING OF SENATE BILLS

SS for SCS for SJR 2-Emery (In Fiscal Oversight)  
SS for SCS for SB 9-Emery (In Fiscal Oversight)  
SS for SB 213-Hegeman (In Fiscal Oversight)

SB 138-Riddle  
SB 264-Crawford

### SENATE BILLS FOR PERFECTION

1. SB 219-Hoskins, with SCS
2. SB 71-Brown
3. SB 108-Koenig, with SCS
4. SB 87-Wallingford
5. SB 174-Crawford, with SCS
6. SB 52-Eigel, with SCS
7. SB 145-Burlison
8. SJR 1-Sater and Onder
9. SB 5-Sater, et al, with SCS

10. SB 222-Hough
11. SB 218-Hoskins
12. SB 306-White
13. SB 297-White
14. SJR 13-Holsman, with SCS
15. SB 88-Libla
16. SB 155-Luetkemeyer
17. SB 328-Burlison, with SCS
18. SB 330-Brown, with SCS

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|---------------------------------------|---|
| 19. SB 332-Brown                      | 42. SB 62-Burlison, with SCS                        |
| 20. SB 259-Romine                     | 43. SB 278-Wallingford, with SCS                    |
| 21. SB 225-Curls                      | 44. SB 293-Hough, with SCS                          |
| 22. SB 3-Curls                        | 45. SB 205-Arthur, with SCS                         |
| 23. SBs 70 & 128-Hough, with SCS      | 46. SB 234-White                                    |
| 24. SB 11-Cunningham                  | 47. SB 363-Riddle, with SCS                         |
| 25. SB 316-Burlison                   | 48. SJR 18-Cunningham                               |
| 26. SB 350-O'Laughlin                 | 49. SB 29-Hegeman, with SCS                         |
| 27. SB 118-Cierpiot, with SCS         | 50. SB 31-Wieland                                   |
| 28. SB 141-Koenig                     | 51. SB 34-Riddle, with SCS                          |
| 29. SB 344-Eigel, with SCS            | 52. SB 318-Burlison                                 |
| 30. SB 282-Brown                      | 53. SB 298-White, with SCS                          |
| 31. SB 210-May                        | 54. SBs 279, 139 & 345-Onder and Emery,<br>with SCS |
| 32. SB 333-Rizzo                      | 55. SB 312-Eigel                                    |
| 33. SJRs 14 & 9-Luetkemeyer, with SCS | 56. SB 300-Eigel                                    |
| 34. SB 255-Bernskoetter               | 57. SB 343-Eigel, with SCS                          |
| 35. SB 211-Wallingford                | 58. SB 354-Cierpiot, with SCS                       |
| 36. SB 37-Onder and Nasheed, with SCS | 59. SB 97-Hegeman, with SCS                         |
| 37. SB 78-Sater                       | 60. SB 391-Bernskoetter                             |
| 38. SB 431-Schatz, with SCS           | 61. SB 1-Curls and Nasheed, with SCS                |
| 39. SB 349-O'Laughlin, with SCS       | 62. SBs 153 & 117-Sifton, with SCS                  |
| 40. SB 276-Rowden, with SCS           |   |
| 41. SB 150-Koenig, with SCS           |   |

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

- |  |  |
|--|--|
| SB 4-Sater   | SB 56-Cierpiot, with SCS, SS for SCS & SA 1<br>(pending) |
| SB 10-Cunningham, with SCS & SA 1 (pending)                            | SB 57-Cierpiot   |
| SB 14-Wallingford  | SB 65-White  |
| SB 16-Romine, with SCS, SS for SCS, SA 3<br>& point of order (pending) | SB 69-Hough  |
| SB 19-Libla, with SA 1 (pending)                                       | SB 76-Sater, with SCS (pending)                          |
| SB 39-Onder  | SB 100-Riddle  |
| SB 44-Hoskins, with SCS & SS for SCS<br>(pending)                      | SB 132-Emery, with SCS                                   |
| SBs 46 & 50-Koenig, with SCS, SS for SCS<br>& SA 6 (pending)           | SB 154-Luetkemeyer, with SS & SA 2 (pending)             |
| SB 49-Rowden, with SCS   | SB 160-Koenig, with SCS, SS for SCS & SA 2<br>(pending)  |
|  | SB 168-Wallingford, with SCS                             |



SB 184-Wallingford, with SCS

SB 201-Romine

SB 224-Luetkemeyer, with SS (pending)

SB 252-Wieland, with SCS

SB 292-Eigel, with SCS

## CONSENT CALENDAR

### Senate Bills

Reported 3/14

SB 358-Sater

SB 368-Hough

SB 371-Eigel

SB 185-Wallingford

SB 275-Sater

SB 228-Sater

SB 397-White

SB 468-Williams

## RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 1-Walsh

SCR 8-Holsman

SCR 13-Emery

SCR 14-Schatz

SCR 15-Burlison

SCR 19-Eigel

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# Journal of the Senate

## FIRST REGULAR SESSION

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### FORTY-FIRST DAY—WEDNESDAY, MARCH 27, 2019

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The Senate met pursuant to adjournment.

Senator Hough in the Chair.

Reverend Carl Gauck offered the following prayer:

“O Lord, do your eyes not look for truth?” (Jeremiah 5:3)

O Lord our God, as we read and hear other bills presented before us and write our legislation, give us eyes to see the truth that You seek for us to be about and the knowledge and wisdom to make sure we each follow Your path that assists those we are here to help. May our efforts have Your blessing and our lives witness to Your goodness. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Rowden announced photographers from Evangel University were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Wallingford assumed the Chair.

Senator Hough assumed the Chair.

**RESOLUTIONS**

Senator Riddle offered Senate Resolution No. 498, regarding Landon Walker Wright, Martinsburg, which was adopted.

Senator Riddle offered Senate Resolution No. 499, regarding Jackson Stack Unger, Mexico, which was adopted.

Senator Riddle offered Senate Resolution No. 500, regarding Andrew Edward Stephens, which was adopted.

Senator Cunningham offered Senate Resolution No. 501, regarding Ron Brooks, Fairdealing, which was adopted.

Senator Brown offered Senate Resolution No. 502, regarding WWII-era Black Officers' Club, which was adopted.

Senator Hoskins offered Senate Resolution No. 503, regarding Dr. Arthur and Mrs. Carolyn Elman, Kansas City, which was adopted.

Senator Hoskins offered Senate Resolution No. 504, regarding Marshall Community Chorus, which was adopted.

Senator Cunningham offered Senate Resolution No. 505, regarding Steve Balough, West Plains, which was adopted.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR  
STATE OF MISSOURI  
March 27, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William "Bill" Monroe Abbott, 47 Whiteoak Road, Tuscumbia, Miller County, Missouri 65082, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees, for a term ending February 6, 2022, and until his successor is duly appointed and qualified; vice, Thomas J. Pfeiffer, resigned.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
March 27, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Aimee Agderian, 901 West 8th Avenue, Kearney, Clay County, Missouri 64060, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2019, and until her successor is duly appointed and qualified; vice, Jeffery A. Hughley, Jr., term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
March 27, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Captain Benjamin C. Jones, 5190 State Highway 162, Gideon, New Madrid County, Missouri 63848, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2021, and until his successor is duly appointed and qualified; vice, Ronald S. Johnson, resigned.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
March 27, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard C. Peerson, 820 Lazy Brook Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees, for a term ending February 6, 2023, and until his successor is duly appointed and qualified; vice, Kevin J. Murphy, withdrawn.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
March 27, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John W. Worden, 907 Hulen Drive, Columbia, Boone County, Missouri 65203, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2021, and until his successor is duly appointed and qualified; vice, Diane Scanga, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

President Pro Tem Schatz referred the above appointments to the Committee on Gubernatorial Appointments.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Hough.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 356**, entitled:

An Act to repeal sections 311.198 and 311.300, RSMo, and to enact in lieu thereof two new sections relating to intoxicating liquor.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 655**, entitled:

An Act to repeal section 270.400, RSMo, and to enact in lieu thereof one new section relating to feral hogs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 472**, entitled:

An Act to repeal sections 329.050 and 341.170, RSMo, and to enact in lieu thereof seven new sections relating to professional registration, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 763**, entitled:

An Act to repeal section 290.502, RSMo, and to enact in lieu thereof one new section relating to the state minimum wage rate.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 257**, entitled:

An Act to repeal section 338.140, RSMo, and to enact in lieu thereof one new section relating to the scope of disciplinary procedure of the board of pharmacy.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 80**, entitled:

An Act to repeal sections 559.016 and 559.600, RSMo, and to enact in lieu thereof two new sections relating to probation supervision by private entities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 169**, entitled:

An Act to amend chapters 161 and 170, RSMo, by adding thereto two new sections relating to elementary and secondary education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 107**, entitled:

An Act to repeal sections 209.150, 209.200, and 209.204, RSMo, and to enact in lieu thereof three new sections relating to service dogs, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **HB 451**, entitled:

An Act to repeal sections 301.020, 301.191, and 307.350, RSMo, and to enact in lieu thereof three new sections relating to the state motor vehicle safety inspection program, with penalty provisions and an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **HB 341**, entitled:

An Act to repeal sections 610.100 and 610.140, RSMo, and to enact in lieu thereof twelve new sections relating to expungement, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

#### **SENATE BILLS FOR PERFECTION**

Senator White moved that **SB 65** be taken up for perfection, which motion prevailed.

Senator White offered **SS** for **SB 65**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE BILL NO. 65**

An Act to repeal sections 510.263, 510.265, 538.205, and 538.210, RSMo, and to enact in lieu thereof five new sections relating to punitive damages.

Senator White moved that **SS** for **SB 65** be adopted.

Senator Hoskins assumed the Chair.

Senator Hough assumed the Chair.

At the request of Senator White, **SB 65**, with **SS** (pending), was placed on the Informal Calendar.

Senator Luetkemeyer moved that **SB 224**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection which motion prevailed.

At the request of Senator Luetkemeyer, **SS** for **SB 224** was withdrawn.

Senator Luetkemeyer offered **SS No. 2** for **SB 224**, entitled:

#### **SENATE SUBSTITUTE No. 2 FOR SENATE BILL NO. 224**

An Act to amend supreme court rules 56.01, 57.01, 57.03, 57.04, 58.01, 59.01, and 61.01, relating to discovery.

Senator Luetkemeyer moved that **SS No. 2** for **SB 224** be adopted.

President Pro Tem Schatz assumed the Chair.

Senator Hough assumed the Chair.

At the request of Senator Luetkemeyer, **SB 224**, with **SS No. 2** (pending), was placed on the Informal Calendar.

Senator Hoskins moved that **SB 219**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 219**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 219

An Act to repeal section 326.289, RSMo, and to enact in lieu thereof one new section relating to the practice of public accounting.

Was taken up.

Senator Hoskins moved that SCS for **SB 219** be adopted.

Senator Cierpiot offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 219, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “to consumer protections for preparation of financial documents.”; and

Further amend said bill and page, section A, line 2, by inserting immediately after said line the following:

**“143.980. 1. This section shall be known as the “Taxpayer Protection Act”.**

**2. For the purposes of this section, the following terms shall mean:**

**(1) “Department”, the Missouri department of revenue;**

**(2) “Paid tax return preparer”, a person who prepares for compensation, or who employs one or more persons to prepare for compensation, any income tax return or claim for refund required to be filed under this chapter. The preparation of a substantial portion of a return or claim for refund shall be treated as the preparation of such return or claim for refund. A paid tax return preparer shall not include any certified public accountant who holds an active license issued by any state and the employees of such certified public accountant or certified public accounting firm or an enrolled agent enrolled to practice before the federal Internal Revenue Service pursuant to 31 C.F.R. Section 10.4;**

**(3) “Willful or reckless conduct”, the same meaning as defined under 26 U.S.C. Section 6694;**

**3. For all tax years beginning on or after January 1, 2020, any income tax return or claim for refund prepared by a paid tax return preparer shall be signed by the paid tax return preparer and shall bear the paid tax return preparer’s Internal Revenue Service preparer tax identification number. Any person who is the paid tax return preparer with respect to any income tax return or claim for refund and who fails to sign the return or claim for refund, or who fails to provide his or her preparer tax identification number, shall pay a penalty of fifty dollars for each such failure, unless it can be shown that the failure was due to reasonable cause and not willful or reckless conduct. The aggregate penalty that may be imposed by the department on any paid tax return preparer with respect to returns or claims for refund filed during any calendar year shall not exceed twenty-five thousand dollars per paid tax return preparer.**

**4. (1) In a court of competent jurisdiction, the director of revenue may commence suit to enjoin any paid tax return preparer from further engaging in any conduct described in subdivision (2) of this subsection, or from further action as a paid tax return preparer.**



**(2) In any action under subdivision (1) of this subsection, if the court finds that injunctive relief is appropriate to prevent the recurrence of willful or reckless conduct, the court may enjoin the paid tax return preparer from further engaging in any conduct specified in the action. The court may enjoin conduct when a paid tax return preparer has done any of the following:**

**(a) Prepared any income tax return or claim for refund that includes an understatement of a taxpayer's liability due to an unreasonable position. For purposes of this subdivision, the term "unreasonable position" shall have the same meaning as defined under 26 U.S.C. Section 6694;**

**(b) Prepared any income tax return or claim for refund that includes an understatement of a taxpayer's liability due to the paid tax return preparer's willful or reckless conduct;**

**(c) Where required, failed to sign an income tax return or claim for refund;**

**(d) Where required, failed to furnish his or her preparer tax identification number;**

**(e) Where required, failed to retain a copy of an income tax return;**

**(f) Where required by due diligence requirements imposed by department rules and regulations, failed to be diligent in determining a taxpayer's eligibility for tax benefits;**

**(g) Negotiated a check issued to a taxpayer by the department without the permission of the taxpayer;**

**(h) Engaged in any conduct subject to any criminal penalty provided under chapters 135 to 155;**

**(i) Misrepresented to the department the paid tax return preparer's eligibility to practice or otherwise misrepresented the paid tax return preparer's experience or education;**

**(j) Guaranteed the payment of any income tax refund or the allowance of any income tax credit;**  
**or**

**(k) Engaged in any other fraudulent or deceptive conduct that substantially interferes with the proper administration of the laws of this state.**

**(3) (a) If the court finds that a paid tax return preparer has continually or repeatedly engaged in any conduct described in subdivision (2) of this subsection and that an injunction prohibiting the conduct would not be sufficient to prevent the paid tax return preparer's interference with the proper administration of the laws of this state, the court may enjoin the paid tax return preparer from acting as a paid tax return preparer in Missouri.**

**(b) Being enjoined from preparing tax returns or claims for refund for the United States or any other state in the five years preceding the petition for an injunction under this section shall establish a prima facie case for an injunction to be issued under this section. For purposes of this paragraph, the term "state" shall mean a state of the United States, the District of Columbia, Puerto Rico, United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States."; and**

Further amend the title and enacting clause accordingly.

Senator Cierpiot moved that **SA 1** be adopted, which motion prevailed.

Senator Hoskins moved that **SCS for SB 219**, as amended, be adopted, which motion prevailed.

On motion of Senator Hoskins, **SCS** for **SB 219**, as amended, was declared perfected and ordered printed.

Senator Brown moved that **SB 71** be taken up for perfection, which motion prevailed.

On motion of Senator Brown, **SB 71** was declared perfected and ordered printed.

At the request of Senator Koenig, **SB 108**, with **SCS**, was placed on the Informal Calendar.

Senator Wallingford moved that **SB 87** be taken up for perfection, which motion prevailed.

Senator Wallingford offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 87, Page 2, Section 143.1026, Line 26, by striking “nonstate” and inserting in lieu thereof the following “**state**”; and further amend line 27 by inserting after “Missouri” the following: “, **but shall not be included in the calculation of total state revenue under Section 18, Article X of the Missouri Constitution**”.

Senator Wallingford moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Wallingford, **SB 87**, as amended, was declared perfected and ordered printed.

Senator Crawford moved that **SB 174**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 174**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 174

An Act to repeal sections 143.121 and 148.064, RSMo, and to enact in lieu thereof two new sections relating to the reduction of taxes owed on certain income.

Was taken up.

Senator Crawford moved that **SCS** for **SB 174** be adopted, which motion prevailed.

On motion of Senator Crawford, **SCS** for **SB 174**, as amended, was declared perfected and ordered printed.

At the request of Senator Eigel, **SB 52**, with **SCS**, was placed on the Informal Calendar.

Senator Burlison moved that **SB 145** be taken up for perfection, which motion prevailed.

Senator Burlison offered **SS** for **SB 145**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 145

An Act to repeal section 210.1014, RSMo, and to enact in lieu thereof one new section relating to the Amber alert system.

Senator Burlison moved that **SS** for **SB 145** be adopted, which motion prevailed.

On motion of Senator Burlison, **SS** for **SB 145** was declared perfected and ordered printed.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 677**, entitled:

An Act to repeal section 67.641, RSMo, and to enact in lieu thereof two new sections relating to certain tourism infrastructure facilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 14**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

### **RESOLUTIONS**

Senator Holsman offered Senate Resolution No. 506, regarding Kemper Arena, Kansas City, which was adopted.

Senator Holsman offered Senate Resolution No. 507, regarding Crossroads Hotel, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 508, regarding Sheigh Steinbach, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 509, regarding Christina Oak, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 510, regarding Samantha Thomas, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 511, regarding Leah Rios, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 512, regarding Chloe Pelham, Gladstone, which was adopted.

Senator Walsh offered Senate Resolution No. 513, regarding Chief Scott Seppelt, Florissant, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 514, regarding the Seventy-fifth Anniversary of the Jefferson City Area Board of Realtors, which was adopted.

Senator Crawford offered Senate Resolution No. 515, regarding the Coliseum and Womans Building at the Missouri State Fairgrounds, which was adopted.

Senators Nasheed, Williams, May, Schupp, O’Laughlin, Walsh and Hough offered Senate Resolution No. 516, regarding the death of J. Kim Tucci, St. Louis, which was adopted.

Senator May offered Senate Resolution No. 517, regarding the death of Irene McConnell, St. Louis, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Rowden introduced to the Senate, Barry Orscheln, Columbia.

Senator Cunningham introduced to the Senate, Dr. Scott R. Ream, West Plains.

Senator Cunningham introduced to the Senate, Dr. Mary Sheid, West Plains; Judge Bill and Jeanne Hass, Harry and Sandy Schrag, and Jeff Schrag, Springfield; Melissa Myers, Bentonville, Arkansas; and Judge William T. Hass, Thayer.

Senator Brown introduced to the Senate, Baylee Shriner, and her parents, Linzi and Gene, Kansas City.

Senator Crawford introduced to the Senate, Mila Chernioglo, Malcolm Green, Billy Hunt, Kim Segui, Aaron Sloan, Jacob Wilson and Chris McClay, Bolivar.

Senator Crawford introduced to the Senate, Abby and Aaron Strickland, Lebanon.

Senator Bernskoetter introduced to the Senate, Brian and Denise Carter, and their children, Brysen Samuel and Briese Liya, St. Louis.

Senator Bernskoetter introduced to the Senate, Coraline Durham, and her father, Jake, Jefferson City; and Coraline was made an honorary page.

Senator O’Laughlin introduced to the Senate, former State Senator Brian Munzlinger, and his wife, Michele, their children, Lea and Billy Joe Rash, and their son, Raylan Rash, Williamstown.

Senator Schupp introduced to the Senate, Cliff and Megan Holekamp, and their children, Virginia and Millie, St. Louis.

Senator Wallingford introduced to the Senate, National Executive Committeeman Kenneth Goth, Senior Vice Commander Hallie Williams, Department Commander Kerry Boardman, and Department Adjutant Lowry Finley Jackson, representatives of the American Legion.

Senator Curls introduced to the Senate, former State Senator Yvonne Wilson, Dr. Marion and Emmet Pierson, and representatives of Ladies of the Links, Inc., Kansas City.

Senator Eigel introduced to the Senate, Thomas Kuypers, St. Charles.

Senator White introduced to the Senate, students from Greenfield High School Wildcat Band.

Senator Williams introduced to the Senate, Dr. John Pieper and Christopher Geronsin, St. Louis College of Pharmacy.

Senator Luetkemeyer introduced to the Senate, Randall Yaeger, Claire Scoville, Jessica Wilson, David Meyer, Jay Kruger, J.J. Wiseman, Donna Fox, Paul Gatewood, Gary Gilmore, Tony Coleman, Karen Digh Allen, Joan Dohrer, Patricia J. Smith, Michael Loethen, Matthew Birdsley, Joel Turnham, Steven Potter, Jennifer Ridley, Keith Malone, Mark Campbell, Theresa Martin, Dawn Cole, Robert Peca, Raymond Sanders, Julie Henke, Jason Kotz and Tammy Bumgarner, representatives of LAGERS.

Senator Nasheed introduced to the Senate, President Jeffrey Bonner, Cynthia Holter and Billy Brennan, St. Louis Zoo.

Senator Eigel introduced to the Senate, former State Senator Chuck Gross and Cindy Clark, St. Charles; Sheila Schuette, Weldon Spring; Nancy Droesch, St. Louis; and Kevin Moehring, O'Fallon.

Senator Burlison introduced to the Senate, the Physician of the Day, Dr. Louis Krenn, Battlefield.

On motion of Senator Rowden, the Senate adjourned under the rules.

## SENATE CALENDAR

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FORTY-SECOND DAY—THURSDAY, MARCH 28, 2019

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## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HB 450-Eggleston	HCS for HB 763
HCS for HB 694	HB 257-Stephens
HCS for HB 438	HCS for HB 80
HB 267-Baker	HCS for HB 169
HB 240-Schroer	HCS for HB 107
HCS for HB 356	HCS#2 for HB 451
HB 655-Dinkins	HCS for HB 341
HCS for HB 472	HCS for HB 677

### THIRD READING OF SENATE BILLS

SS for SCS for SJR 2-Emery (In Fiscal Oversight)	SB 138-Riddle
SS for SCS for SB 9-Emery (In Fiscal Oversight)	SB 264-Crawford
SS for SB 213-Hegeman (In Fiscal Oversight)	

### SENATE BILLS FOR PERFECTION

- |                                |                   |
|--------------------------------|-------------------|
| 1. SJR 1-Sater and Onder       | 3. SB 222-Hough   |
| 2. SB 5-Sater, et al, with SCS | 4. SB 218-Hoskins |

- |                                       |   |
|---------------------------------------|---|
| 5. SB 306-White                       | 31. SB 431-Schatz, with SCS                         |
| 6. SB 297-White                       | 32. SB 349-O'Laughlin, with SCS                     |
| 7. SJR 13-Holsman, with SCS           | 33. SB 276-Rowden, with SCS                         |
| 8. SB 88-Libla                        | 34. SB 150-Koenig, with SCS                         |
| 9. SB 155-Luetkemeyer                 | 35. SB 62-Burlison, with SCS                        |
| 10. SB 328-Burlison, with SCS         | 36. SB 278-Wallingford, with SCS                    |
| 11. SB 330-Brown, with SCS            | 37. SB 293-Hough, with SCS                          |
| 12. SB 332-Brown                      | 38. SB 205-Arthur, with SCS                         |
| 13. SB 259-Romine                     | 39. SB 234-White                                    |
| 14. SB 225-Curls                      | 40. SB 363-Riddle, with SCS                         |
| 15. SB 3-Curls                        | 41. SJR 18-Cunningham                               |
| 16. SBs 70 & 128-Hough, with SCS      | 42. SB 29-Hegeman, with SCS                         |
| 17. SB 11-Cunningham                  | 43. SB 31-Wieland                                   |
| 18. SB 316-Burlison                   | 44. SB 34-Riddle, with SCS                          |
| 19. SB 350-O'Laughlin                 | 45. SB 318-Burlison                                 |
| 20. SB 118-Cierpiot, with SCS         | 46. SB 298-White, with SCS                          |
| 21. SB 141-Koenig                     | 47. SBs 279, 139 & 345-Onder and Emery,<br>with SCS |
| 22. SB 344-Eigel, with SCS            | 48. SB 312-Eigel                                    |
| 23. SB 282-Brown                      | 49. SB 300-Eigel                                    |
| 24. SB 210-May                        | 50. SB 343-Eigel, with SCS                          |
| 25. SB 333-Rizzo                      | 51. SB 354-Cierpiot, with SCS                       |
| 26. SJRs 14 & 9-Luetkemeyer, with SCS | 52. SB 97-Hegeman, with SCS                         |
| 27. SB 255-Bernskoetter               | 53. SB 391-Bernskoetter                             |
| 28. SB 211-Wallingford                | 54. SB 1-Curls and Nasheed, with SCS                |
| 29. SB 37-Onder and Nasheed, with SCS | 55. SBs 153 & 117-Sifton, with SCS                  |
| 30. SB 78-Sater                       |   |

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

- |  |  |
|--|--|
| SB 4-Sater   | SB 49-Rowden, with SCS                                   |
| SB 10-Cunningham, with SCS & SA 1 (pending)                            | SB 52-Eigel, with SCS                                    |
| SB 14-Wallingford  | SB 56-Cierpiot, with SCS, SS for SCS & SA 1<br>(pending) |
| SB 16-Romine, with SCS, SS for SCS, SA 3<br>& point of order (pending) | SB 57-Cierpiot   |
| SB 19-Libla, with SA 1 (pending)                                       | SB 65-White, with SS (pending)                           |
| SB 39-Onder  | SB 69-Hough  |
| SB 44-Hoskins, with SCS & SS for SCS<br>(pending)                      | SB 76-Sater, with SCS (pending)                          |
| SBs 46 & 50-Koenig, with SCS, SS for SCS<br>& SA 6 (pending)           | SB 100-Riddle  |
|  | SB 108-Koenig, with SCS                                  |
|  | SB 132-Emery, with SCS                                   |

SB 154-Luetkemeyer, with SS & SA 2 (pending)  
SB 160-Koenig, with SCS, SS for SCS & SA 2  
(pending)  
SB 168-Wallingford, with SCS  
SB 184-Wallingford, with SCS

SB 201-Romine  
SB 224-Luetkemeyer, with SS#2 (pending)  
SB 252-Wieland, with SCS  
SB 292-Eigel, with SCS

### CONSENT CALENDAR

#### Senate Bills

Reported 3/14

SB 358-Sater  
SB 368-Hough  
SB 371-Eigel  
SB 185-Wallingford

SB 275-Sater  
SB 228-Sater  
SB 397-White  
SB 468-Williams

### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

#### Requests to Recede or Grant Conference

HCS for HB 14, with SCS (Hegeman)  
(House requests Senate recede or grant  
conference)

### RESOLUTIONS

SR 20-Holsman

#### Reported from Committee

SCR 1-Walsh  
SCR 8-Holsman  
SCR 13-Emery

SCR 14-Schatz  
SCR 15-Burlison  
SCR 19-Eigel

# Journal of the Senate

## FIRST REGULAR SESSION

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### FORTY-SECOND DAY—THURSDAY, MARCH 28, 2019

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“I will delight in your statutes; I will not forget your ways.” (Psalm 119:16)

Almighty God, we know something of the law and how it is there to help people live and interact among others and so Your law is to help us be a righteous people and follow the way You have taught us. As we finish our work this day may we be a witness to what we truly believe with those You have given us to love and share this time together. Watch, O Lord, our going out and coming in and may You find us prayerfully with others. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

Absent—Senator Koenig—1

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senators Eigel and Onder offered Senate Resolution No. 518, regarding SSM Health St. Joseph



Hospitals, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 519, regarding Dr. Robert Vartabedian, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 520, regarding Matthew Wilson, which was adopted.

### **PRIVILEGED MOTIONS**

Senator Hegeman moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 14** and grant the House a conference thereon, which motion prevailed.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 14**: Senators Hegeman, Hough, Hoskins, Curls and Nasheed.

### **REPORTS OF STANDING COMMITTEES**

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 71**; **SB 87**; **SS** for **SB 145**; **SCS** for **SB 174**; and **SCS** for **SB 219**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Schatz, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Thomas O. Kuypers, Mary “Mimi” Stiritz and Robert Paul Wieggers, as members of the Missouri Advisory Council on Historic Preservation.

Senator Schatz requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Schatz moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

President Pro Tem Schatz assumed the Chair.

Senator Emery, Chairman of the Committee on Government Reform, submitted the following report:

Mr. President: Your Committee on Government Reform, to which was referred **SB 465**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which was referred **SS** for **SB 213**; **SS** for **SCS** for **SJR 2**; and **SS** for **SCS** for **SB 9**, begs leave to report that it has considered the same and recommends that the bills and joint resolution do pass.

Senator Wallingford, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 296**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Walsh, Chairman of the Committee on Progress and Development, submitted the following reports:

Mr. President: Your Committee on Progress and Development, to which was referred **SB 426**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **SB 412**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **SB 203**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wieland, Chairman of the Committee on Insurance and Banking, submitted the following report:

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 414**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following report:

Mr. President: Your Committee on Professional Registration, to which was referred **SB 336**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Onder, Chairman of the Committee on Health and Pensions, submitted the following report:

Mr. President: Your Committee on Health and Pensions, to which was referred **HB 77**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Hoskins, Chairman of the Committee on Small Business and Industry, submitted the following report:

Mr. President: Your Committee on Small Business and Industry, to which was referred **SB 60**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Kehoe assumed the Chair.

### REFERRALS

President Pro Tem Schatz referred **SCS for SB 174** and **SCS for SB 219** to the Committee on Fiscal Oversight.

### THIRD READING OF SENATE BILLS

**SB 358**, introduced by Senator Sater, entitled:

An Act to repeal sections 191.603, 191.605, and 191.607, RSMo, and to enact in lieu thereof three new sections relating to the health professional student loan repayment program.

Was called from the Consent Calendar and taken up.

On motion of Senator Sater, **SB 358** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Libla
Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

#### NAYS—Senators—None

#### Absent—Senators

Burlison                      Koenig—2

#### Absent with leave—Senators—None

#### Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 368**, introduced by Senator Hough, entitled:

An Act to repeal section 301.560, RSMo, and to enact in lieu thereof one new section relating to vehicle dealer license plates.

Was called from the Consent Calendar and taken up.

On motion of Senator Hough, **SB 368** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Libla
Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo

Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senators

Burlison	Koenig—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hough, title to the bill was agreed to.

Senator Hough moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 371**, introduced by Senator Eigel, entitled:

An Act to repeal sections 301.010 and 301.067, RSMo, and to enact in lieu thereof two new sections relating to trailer license plate renewals.

Was called from the Consent Calendar and taken up.

On motion of Senator Eigel, **SB 371** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Koenig—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Eigel, title to the bill was agreed to.

Senator Eigel moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 185**, introduced by Senator Wallingford, entitled:

An Act to repeal sections 215.030 and 260.035, RSMo, and to enact in lieu thereof two new sections relating to employer eligibility in the Missouri State Employees' Retirement System.

Was called from the Consent Calendar and taken up.

On motion of Senator Wallingford, **SB 185** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Koenig—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 275**, introduced by Senator Sater, entitled:

An Act to repeal section 332.361, RSMo, and to enact in lieu thereof one new section relating to prescribing authority of dentists.

Was called from the Consent Calendar and taken up.

On motion of Senator Sater, **SB 275** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Koenig—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 228**, introduced by Senator Sater, entitled:

An Act to repeal section 288.160, RSMo, and to enact in lieu thereof one new section relating to methods of service of notice under employment security laws.

Was called from the Consent Calendar and taken up.

On motion of Senator Sater, **SB 228** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Koenig—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 397**, introduced by Senator White, entitled:

An Act to repeal section 184.815, RSMo, and to enact in lieu thereof one new section relating to the petition process for the creation of a museum and cultural district.

Was called from the Consent Calendar and taken up.

On motion of Senator White, **SB 397** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Koenig—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator White, title to the bill was agreed to.

Senator White moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 468**, introduced by Senator Williams, entitled:

An Act to repeal section 59.100, RSMo, and to enact in lieu thereof one new section relating to bonds for county recorders of deeds.

Was called from the Consent Calendar and taken up.

On motion of Senator Williams, **SB 468** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Koenig—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Williams, title to the bill was agreed to.

Senator Williams moved that the vote by which the bill passed be reconsidered.

Senator Romine moved that motion lay on the table, which motion prevailed.

**SS for SCS for SJR 2**, introduced by Senator Emery, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE JOINT RESOLUTION NO. 2

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 1 and

2 of article VII of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the impeachment process.

Was taken up.

On motion of Senator Emery, **SS** for **SCS** for **SJR 2** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Holsman	Hoskins	Hough	Libla	Luetkemeyer
O’Laughlin	Onder	Riddle	Rizzo	Romine	Rowden	Sater
Schatz	Wallingford	White	Wieland—25			

NAYS—Senators

Arthur	Hegeman	May	Nasheed	Schupp	Sifton	Walsh
Williams—8						

Absent—Senator Koenig—1

Absent with leave—Senators—None

Vacancies—None

The President declared the joint resolution passed.

On motion of Senator Emery, title to the joint resolution was agreed to.

Senator Emery moved that the vote by which the joint resolution passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SS** for **SCS** for **SB 9**, introduced by Senator Emery, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 9

An Act to repeal sections 106.020, 106.030, 106.040, 106.070, 106.080, 106.090, 106.100, 106.110, 106.120, 106.130, 106.150, 106.160, 106.170, 106.180, 106.200, and 106.210, RSMo, and to enact in lieu thereof fourteen new sections relating to the impeachment process, with a contingent effective date.

Was taken up.

On motion of Senator Emery, **SS** for **SCS** for **SB 9** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Holsman	Hoskins	Hough	Libla	Luetkemeyer
O’Laughlin	Onder	Riddle	Rizzo	Romine	Rowden	Sater
Schatz	Wallingford	White	Wieland—25			



## NAYS—Senators

Arthur	Hegeman	May	Nasheed	Schupp	Sifton	Walsh
Williams—8						

Absent—Senator Koenig—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Emery, title to the bill was agreed to.

Senator Emery moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SS for SB 213**, introduced by Senator Hegeman, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 213

An Act to repeal section 105.483, RSMo, and to enact in lieu thereof five new sections relating to the nonpartisan state demographer, with penalty provisions.

Was taken up.

On motion of Senator Hegeman, **SS for SB 213** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Eigel
Emery	Hegeman	Holsman	Hoskins	Hough	Libla	Luetkemeyer
May	O’Laughlin	Onder	Riddle	Romine	Rowden	Sater
Schatz	Sifton	Wallingford	White	Wieland—26		

## NAYS—Senators

Arthur	Curls	Nasheed	Rizzo	Schupp	Walsh	Williams—7
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Absent—Senator Koenig—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 138**, introduced by Senator Riddle, entitled:

An Act to repeal section 29.200, RSMo, and to enact in lieu thereof one new section relating to reports issued by the state auditor.

Was taken up.

On motion of Senator Riddle, **SB 138** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Koenig—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 264**, introduced by Senator Crawford, entitled:

An Act to repeal section 620.010, RSMo, and to enact in lieu thereof two new sections relating to the state council on the arts.

Was taken up.

On motion of Senator Crawford, **SB 264** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Koenig—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 14**. Representatives: Smith, Wood, Kelly (141), Kendrick, Merideth.

### **RESOLUTIONS**

Senator Cunningham offered Senate Resolution No. 521, regarding Tommy Claxton, Seymour, which was adopted.

Senator Curls offered Senate Resolution No. 522, regarding Take 6, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Rizzo introduced to the Senate, the Physician of the Day, Dr. Donald Potts, Independence.

Senator O’Laughlin introduced to the Senate, teacher Tatum Reed, and fourth-grade students from Atlanta C-3 School.

Senator Riddle introduced to the Senate, Coach Bob Jones, his wife, Eva, and their son, Gabe, William Woods University, Callaway County.

Senator Hough introduced to the Senate, his son, William, and his father, Dr. David Hough, Springfield.

Senator Burlison introduced to the Senate, Homeschool students from Truth Academy, Springfield.

Senator Brown introduced to the Senate, Glen Cope.

Senator O’Laughlin introduced to the Senate, teacher Dawn Scheiderer, and fourth-grade students from Salisbury R-IV Elementary School.

Senator Riddle introduced to the Senate, teacher Bronc Woodruff, and Dalaney Bowers, Caden Escamilia, Danny Kuda, Megan Kuda, Molly-Clair Mays, Kyle Oligschlager, Odin Patrick, Levi Rafferty, Lauryn Robnett, Braedon Swaim, Delanie Windmann, Micah VanSike and Zoe Woodruff, government class students, Community R-6, Laddonia.

On motion of Senator Rowden, the Senate adjourned until 4:00 p.m., Monday, April 1, 2019.

SENATE CALENDAR

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FORTY-THIRD DAY—MONDAY, APRIL 1, 2019

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FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 450-Eggleston	HCS for HB 763
HCS for HB 694	HB 257-Stephens
HCS for HB 438	HCS for HB 80
HB 267-Baker	HCS for HB 169
HB 240-Schroer	HCS for HB 107
HCS for HB 356	HCS#2 for HB 451
HB 655-Dinkins	HCS for HB 341
HCS for HB 472	HCS for HB 677

THIRD READING OF SENATE BILLS

SB 71-Brown	SCS for SB 174-Crawford (In Fiscal Oversight)
SB 87-Wallingford	SCS for SB 219-Hoskins (In Fiscal Oversight)
SS for SB 145-Burlison	

SENATE BILLS FOR PERFECTION

1. SJR 1-Sater and Onder	12. SB 332-Brown
2. SB 5-Sater, et al, with SCS	13. SB 259-Romine
3. SB 222-Hough	14. SB 225-Curls
4. SB 218-Hoskins	15. SB 3-Curls
5. SB 306-White	16. SBs 70 & 128-Hough, with SCS
6. SB 297-White	17. SB 11-Cunningham
7. SJR 13-Holsman, with SCS	18. SB 316-Burlison
8. SB 88-Libla	19. SB 350-O'Laughlin
9. SB 155-Luetkemeyer	20. SB 118-Cierpiot, with SCS
10. SB 328-Burlison, with SCS	21. SB 141-Koenig
11. SB 330-Brown, with SCS	22. SB 344-Eigel, with SCS

- |                                       |   |
|---------------------------------------|---|
| 23. SB 282-Brown                      | 45. SB 318-Burlison                                 |
| 24. SB 210-May                        | 46. SB 298-White, with SCS                          |
| 25. SB 333-Rizzo                      | 47. SBs 279, 139 & 345-Onder and Emery,<br>with SCS |
| 26. SJRs 14 & 9-Luetkemeyer, with SCS | 48. SB 312-Eigel                                    |
| 27. SB 255-Bernskoetter               | 49. SB 300-Eigel                                    |
| 28. SB 211-Wallingford                | 50. SB 343-Eigel, with SCS                          |
| 29. SB 37-Onder and Nasheed, with SCS | 51. SB 354-Cierpiot, with SCS                       |
| 30. SB 78-Sater                       | 52. SB 97-Hegeman, with SCS                         |
| 31. SB 431-Schatz, with SCS           | 53. SB 391-Bernskoetter                             |
| 32. SB 349-O'Laughlin, with SCS       | 54. SB 1-Curls and Nasheed, with SCS                |
| 33. SB 276-Rowden, with SCS           | 55. SBs 153 & 117-Sifton, with SCS                  |
| 34. SB 150-Koenig, with SCS           | 56. SB 465-Burlison, with SCS                       |
| 35. SB 62-Burlison, with SCS          | 57. SB 296-Cierpiot, with SCS                       |
| 36. SB 278-Wallingford, with SCS      | 58. SB 426-Williams                                 |
| 37. SB 293-Hough, with SCS            | 59. SB 412-Holsman                                  |
| 38. SB 205-Arthur, with SCS           | 60. SB 203-Nasheed, with SCS                        |
| 39. SB 234-White                      | 61. SB 414-Wieland                                  |
| 40. SB 363-Riddle, with SCS           | 62. SB 336-Schupp                                   |
| 41. SJR 18-Cunningham                 | 63. SB 60-Arthur, with SCS                          |
| 42. SB 29-Hegeman, with SCS           |   |
| 43. SB 31-Wieland                     |   |
| 44. SB 34-Riddle, with SCS            |   |

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 4-Sater   | (pending)   |
| SB 10-Cunningham, with SCS & SA 1 (pending)                            | SB 57-Cierpiot  |
| SB 14-Wallingford  | SB 65-White, with SS (pending)                          |
| SB 16-Romine, with SCS, SS for SCS, SA 3<br>& point of order (pending) | SB 69-Hough   |
| SB 19-Libla, with SA 1 (pending)                                       | SB 76-Sater, with SCS (pending)                         |
| SB 39-Onder  | SB 100-Riddle   |
| SB 44-Hoskins, with SCS & SS for SCS<br>(pending)                      | SB 108-Koenig, with SCS                                 |
| SBs 46 & 50-Koenig, with SCS, SS for SCS<br>& SA 6 (pending)           | SB 132-Emery, with SCS                                  |
| SB 49-Rowden, with SCS   | SB 154-Luetkemeyer, with SS & SA 2 (pending)            |
| SB 52-Eigel, with SCS  | SB 160-Koenig, with SCS, SS for SCS & SA 2<br>(pending) |
| SB 56-Cierpiot, with SCS, SS for SCS & SA 1                            | SB 168-Wallingford, with SCS                            |
|  | SB 184-Wallingford, with SCS                            |
|  | SB 201-Romine   |

SB 224-Luetkemeyer, with SS#2 (pending)

SB 252-Wieland, with SCS

SB 292-Eigel, with SCS

## CONSENT CALENDAR

House Bills

Reported 3/28

HB 77-Black

## BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 14, with SCS (Hegeman)

## RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 1-Walsh

SCR 8-Holsman

SCR 13-Emery

SCR 14-Schatz

SCR 15-Burlison

SCR 19-Eigel

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# Journal of the Senate

## FIRST REGULAR SESSION

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**FORTY-THIRD DAY—MONDAY, APRIL 1, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“But be glad and rejoice forever in what I am creating;..” (Isaiah 65:18a)

Heavenly Father, We are glad in what we saw as we drove in this morning, trees budding, grass greening and the joy of Spring in the air. We are grateful for another week to serve You here as we are energized to do all that we can this new week. Be with us and let Your spirit guide our thoughts and actions that we might please You and give You glory. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 28, 2019 was read and approved.

The following Senators were present during the day’s proceedings:

**Present—Senators**

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

**Absent—Senators—None**

**Absent with leave—Senator May—1**

**Vacancies—None**

The Lieutenant Governor was present.

## RESOLUTIONS

Senator White offered Senate Resolution No. 523, regarding Chandler Brown and Lanie Brown, Webb

City, which was adopted.

Senator Riddle offered Senate Resolution No. 524, regarding the Fifty-fifth Wedding Anniversary of Kenneth Eugene and Floyce Jean Wharton, Palmyra, which was adopted.

Senator Riddle offered Senate Resolution No. 525, regarding Eagle Scout Glenn Jatho, which was adopted.

Senator Onder offered Senate Resolution No. 526, regarding Earl Robert “Bob” Dick, Wentzville, which was adopted.

Senator Holsman offered Senate Resolution No. 527, regarding Michael C. Kathrens, Kansas City, which was adopted.

Senator Holsman offered Senate Resolution No. 528, regarding the One Hundred Twenty-fifth Anniversary of Goodwill of Western Missouri and Eastern Kansas, which was adopted.

Senator Brown offered Senate Resolution No. 529, regarding Child Advocacy Day, which was adopted.

Senator Schatz offered Senate Resolution No. 530, regarding Bill John Miller, Ellisville, which was adopted.

Senator Schatz offered Senate Resolution No. 531, regarding Larry D. Davison, Chesterfield, which was adopted.

Senator Schatz offered Senate Resolution No. 532, regarding Jerry Lee Gaddy, Wildwood, which was adopted.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, and Fourth State Building Bond and Interest Fund, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri,



and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 3**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 4**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 5**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 6**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2019, and ending June 30, 2020.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 7**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 8**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 9**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2019, and ending June 30, 2020.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 10**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 11**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 12**, entitled:

An Act to appropriate money for expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2019, and ending June 30, 2020.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 13**, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **SENATE BILLS FOR PERFECTION**

Senator Sater moved that **SJR 1** be taken up for perfection, which motion prevailed.

Senator Sater offered **SS** for **SJR 1**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 1**

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 50 of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the initiative petition process.

Senator Sater moved that **SS** for **SJR 1** be adopted.

Senator Nasheed offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Joint Resolution No. 1, Page 3, Section 51, Line 2, by inserting after all of said line the following:

**“Section 54. Any amendment to the constitution proposed by the general assembly or by the initiative and any initiative petition proposing laws shall appear first on the ballot prior to any candidates for public office.”; and**

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted.

At the request of Senator Sater, **SS** for **SJR 1** was withdrawn, rendering **SA 1** moot.

At the request of Senator Sater, **SJR1** was placed on the Informal Calendar.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 456**, entitled:

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to a high school

diploma endorsement in STEM.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 278**, entitled:

An Act to repeal sections 288.100 and 288.160, RSMo, and to enact in lieu thereof two new sections relating to employment security.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 604**, entitled:

An Act to amend chapter 161, RSMo, by adding thereto eleven new sections relating to elementary and secondary education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 703**, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to a tax refund donation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 124**, entitled:

An Act to repeal section 488.426, RSMo, and to enact in lieu thereof one new section relating to the law library surcharge.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS No. 2** for **HB 462**, entitled:

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to certified teacher externships.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 973**, entitled:

An Act to amend chapter 127, RSMo, by adding thereto two new sections relating to the nonpartisan state demographer.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 959**, entitled:

An Act to repeal section 407.825, RSMo, and to enact in lieu thereof two new sections relating to the motor vehicle franchise practices act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 355**, entitled:

An Act to repeal sections 386.510 and 386.515, RSMo, and to enact in lieu thereof two new sections relating to the public service commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## **RESOLUTIONS**

Senator Bernskoetter offered Senate Resolution No. 533, regarding Eagle Scout Joseph Schwartz, Freeburg, which was adopted.

## **INTRODUCTIONS OF GUESTS**

Senator O’Laughlin introduced to the Senate, Shelby County Queen Melanna Eagan; Junior Miss Shelby County Sadie Wear and Maria Eagan, Shelby.

Senator Walsh introduced to the Senate, Illinois Attorney General Kwame Raoul.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

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FORTY-FOURTH DAY—TUESDAY, APRIL 2, 2019

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FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 450-Eggleston	HCS for HB 4
HCS for HB 694	HCS for HB 5
HCS for HB 438	HCS for HB 6
HB 267-Baker	HCS for HB 7
HB 240-Schroer	HCS for HB 8
HCS for HB 356	HCS for HB 9
HB 655-Dinkins	HCS for HB 10
HCS for HB 472	HCS for HB 11
HCS for HB 763	HCS for HB 12
HB 257-Stephens	HCS for HB 13
HCS for HB 80	HCS for HB 456
HCS for HB 169	HB 278-Andrews
HCS for HB 107	HCS for HB 604
HCS#2 for HB 451	HCS for HB 703
HCS for HB 341	HB 124-DeGroot
HCS for HB 677	HCS#2 for HB 462
HCS for HB 1	HB 973-Trent
HCS for HB 2	HCS for HB 959
HCS for HB 3	HB 355-Plocher

THIRD READING OF SENATE BILLS

SB 71-Brown	SCS for SB 174-Crawford (In Fiscal Oversight)
SB 87-Wallingford	SCS for SB 219-Hoskins (In Fiscal Oversight)
SS for SB 145-Burlison	

## SENATE BILLS FOR PERFECTION

- |                                       |   |
|---------------------------------------|---|
| 1. SB 5-Sater, et al, with SCS        | 33. SB 150-Koenig, with SCS                         |
| 2. SB 222-Hough                       | 34. SB 62-Burlison, with SCS                        |
| 3. SB 218-Hoskins                     | 35. SB 278-Wallingford, with SCS                    |
| 4. SB 306-White                       | 36. SB 293-Hough, with SCS                          |
| 5. SB 297-White                       | 37. SB 205-Arthur, with SCS                         |
| 6. SJR 13-Holsman, with SCS           | 38. SB 234-White                                    |
| 7. SB 88-Libla                        | 39. SB 363-Riddle, with SCS                         |
| 8. SB 155-Luetkemeyer                 | 40. SJR 18-Cunningham                               |
| 9. SB 328-Burlison, with SCS          | 41. SB 29-Hegeman, with SCS                         |
| 10. SB 330-Brown, with SCS            | 42. SB 31-Wieland                                   |
| 11. SB 332-Brown                      | 43. SB 34-Riddle, with SCS                          |
| 12. SB 259-Romine                     | 44. SB 318-Burlison                                 |
| 13. SB 225-Curls                      | 45. SB 298-White, with SCS                          |
| 14. SB 3-Curls                        | 46. SBs 279, 139 & 345-Onder and Emery,<br>with SCS |
| 15. SBs 70 & 128-Hough, with SCS      | 47. SB 312-Eigel                                    |
| 16. SB 11-Cunningham                  | 48. SB 300-Eigel                                    |
| 17. SB 316-Burlison                   | 49. SB 343-Eigel, with SCS                          |
| 18. SB 350-O'Laughlin                 | 50. SB 354-Cierpiot, with SCS                       |
| 19. SB 118-Cierpiot, with SCS         | 51. SB 97-Hegeman, with SCS                         |
| 20. SB 141-Koenig                     | 52. SB 391-Bernskoetter                             |
| 21. SB 344-Eigel, with SCS            | 53. SB 1-Curls and Nasheed, with SCS                |
| 22. SB 282-Brown                      | 54. SBs 153 & 117-Sifton, with SCS                  |
| 23. SB 210-May                        | 55. SB 465-Burlison, with SCS                       |
| 24. SB 333-Rizzo                      | 56. SB 296-Cierpiot, with SCS                       |
| 25. SJRs 14 & 9-Luetkemeyer, with SCS | 57. SB 426-Williams                                 |
| 26. SB 255-Bernskoetter               | 58. SB 412-Holsman                                  |
| 27. SB 211-Wallingford                | 59. SB 203-Nasheed, with SCS                        |
| 28. SB 37-Onder and Nasheed, with SCS | 60. SB 414-Wieland                                  |
| 29. SB 78-Sater                       | 61. SB 336-Schupp                                   |
| 30. SB 431-Schatz, with SCS           | 62. SB 60-Arthur, with SCS                          |
| 31. SB 349-O'Laughlin, with SCS       |   |
| 32. SB 276-Rowden, with SCS           |   |

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 4-Sater

SB 10-Cunningham, with SCS &amp; SA 1 (pending)



SB 14-Wallingford	SB 76-Sater, with SCS (pending)
SB 16-Romine, with SCS, SS for SCS, SA 3 & point of order (pending)	SB 100-Riddle
SB 19-Libla, with SA 1 (pending)	SB 108-Koenig, with SCS
SB 39-Onder	SB 132-Emery, with SCS
SB 44-Hoskins, with SCS & SS for SCS (pending)	SB 154-Luetkemeyer, with SS & SA 2 (pending)
SBs 46 & 50-Koenig, with SCS, SS for SCS & SA 6 (pending)	SB 160-Koenig, with SCS, SS for SCS & SA 2 (pending)
SB 49-Rowden, with SCS	SB 168-Wallingford, with SCS
SB 52-Eigel, with SCS	SB 184-Wallingford, with SCS
SB 56-Cierpiot, with SCS, SS for SCS & SA 1 (pending)	SB 201-Romine
SB 57-Cierpiot	SB 224-Luetkemeyer, with SS#2 (pending)
SB 65-White, with SS (pending)	SB 252-Wieland, with SCS
SB 69-Hough	SB 292-Eigel, with SCS
	SJR 1-Sater and Onder

#### CONSENT CALENDAR

##### House Bills

Reported 3/28

HB 77-Black (7) (Romine)

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

HCS for HB 14, with SCS (Hegeman)

#### RESOLUTIONS

SR 20-Holsman

##### Reported from Committee

SCR 1-Walsh	SCR 14-Schatz
SCR 8-Holsman	SCR 15-Burlison
SCR 13-Emery	SCR 19-Eigel

# Journal of the Senate

## FIRST REGULAR SESSION

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### FORTY-FOURTH DAY—TUESDAY, APRIL 2, 2019

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“A word fitly spoken is like apples of gold in a setting of silver.” (Proverbs 25:11)

Lord God, we are very much aware how people listen to what we say so it is important that Your spirit guides us so our words are right and proper. Yet some will criticize and disagree with us while others rejoice and praise us. So help us prepare well in whatever media is called forth always aware of who is our audience. So bless us, Lord that our study is always disciplined and convey what is most needed. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Emery offered Senate Resolution No. 534, regarding Hillcrest STEAM Academy, Belton, which was adopted.

Senator Emery offered Senate Resolution No. 535, regarding Cambridge Elementary School, Belton, which was adopted.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HRB 1**, entitled:

An Act to repeal sections 1.310, 86.353, 130.034, 135.204, 135.313, 135.530, 135.710, 135.750, 135.800, 135.980, 135.1670, 143.173, 143.1008, 143.1009, 143.1013, 143.1014, 143.1017, 160.500, 163.024, 171.034, 172.287, 173.236, 173.260, 178.697, 184.351, 184.352, 184.353, 184.355, 184.357, 184.359, 184.362, 184.384, 190.450, 191.425, 191.743, 191.875, 191.950, 192.926, 199.020, 208.053, 208.169, 210.154, 215.263, 217.660, 260.900, 260.905, 260.910, 260.915, 260.920, 260.925, 260.930, 260.935, 260.940, 260.945, 260.950, 260.955, 260.960, 260.965, 288.501, 301.3031, 301.3097, 301.3123, 313.270, 320.092, 320.093, 334.153, 337.712, 454.433, 454.470, 454.490, 476.1000, 559.117, 620.570, 630.167, 640.030, and 660.512, RSMo, and section 226.033 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and to enact in lieu thereof twenty-eight new sections for the sole purpose of repealing expired, ineffective, and obsolete statutory provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Schatz.

Senator Rowden announced photographers from Ladue High School were given permission to take pictures in the Senate Chamber.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HCR 16**.

#### HOUSE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 16

WHEREAS, the United States participated in World War II from December 7, 1941, until the conclusion of the war on September 2, 1945; and

WHEREAS, hundreds of thousands of American troops served the Allied efforts all over the world, and more than 400,000 American soldiers were killed during the war; and

WHEREAS, the 23rd Headquarters Special Troops and 3133 Signal Service Company, also known as the Ghost Army, served our nation in an innovative way; and

WHEREAS, the Ghost Army risked their lives by diverting attention from real operations to their fake ones, including phony convoys, phantom divisions, and fake headquarters; and

WHEREAS, the Ghost Army employed creativity to save thousands of lives and help the Allied Nations win the war by using inflatable

tanks, sound effects, radio trickery, and impersonation to confuse the enemy; and

WHEREAS, the Ghost Army carried out over twenty-one deception missions from Normandy to the Rhine including Operation Brittany in July 1944, to mislead the enemy as to General Patton's intentions as he raced across France to smash the German Army; Operation Bettembourg in September 1944, to hold a dangerously unmanned part of Patton's line as he attacked the fortress city of Metz; Operation Viersen in March 1945, to draw enemy attention away from the Ninth Army's crossing of the Rhine River; and Operation Craftsman in April 1945, to support the Allied effort to break through the German defensive "Gothic Line" north of Florence, Italy; and

WHEREAS, at least six Missourians, Robert J. Bunt, Gurvis D. Scism, Floyd F. Weinrich, Omar D. McCully, Louis Smethers, and Buford A. Patten were members of the Ghost Army:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the One Hundredth General Assembly, First Regular Session, the Senate concurring therein, hereby urge Congress to award the Congressional Gold Medal to the Ghost Army in recognition of their service to our country in World War II; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Speaker of the House of the United States House of Representatives, the President Pro Tempore of the United States Senate, the Governor of the State of Missouri, and to all members of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

### SENATE BILLS FOR PERFECTION

Senator Eigel moved that **SB 292**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 292**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 292

An Act to repeal sections 160.400, 160.405, 160.408, 160.410, 160.415, and 160.425, RSMo, and to enact in lieu thereof eight new sections relating to charter schools.

Was taken up.

Senator Eigel moved that **SCS** for **SB 292** be adopted.

Senator Eigel offered **SS** for **SCS** for **SB 292**, entitled:

#### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 292

An Act to repeal sections 160.400, 160.405, 160.408, 160.410, 160.415, 160.425, 162.081, 163.018, 167.131, 167.151, and 167.241, RSMo, and to enact in lieu thereof eighteen new sections relating to alternative education options for elementary and secondary school students, with an emergency clause for certain sections.

Senator Eigel moved that **SS** for **SCS** for **SB 292** be adopted.

President Kehoe assumed the Chair.

Senator Arthur offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 292, Page 2, Section

160.400, Lines 22-26, by striking all of said lines and inserting in lieu thereof the following: **“charter form of government. The”**; and

Further amend said bill and section, page 3, line 2, by inserting after the word “thousand” the following: **“A charter school shall only be operated under the provisions of this subdivision if the school board of such district votes to approve such operation, submits the question of operation to the voters of the district, and the voters of the district approve, by a majority vote, the operation of a charter school in the district.”**; and further amend lines 5-9, by striking all of said lines and inserting in lieu thereof the following: **“within its boundaries. The”**; and further amend line 13, by inserting after the word “thousand” the following: **“A charter school shall only be operated under the provisions of this subdivision if the school board of such district votes to approve such operation, submits the question of operation to the voters of the district, and the voters of the district approve, by a majority vote, the operation of a charter school in the district.”**.

Senator Arthur moved that **SA 1** be adopted.

Senator Arthur offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 292, Page 2, Section 160.400, Lines 22-26, by striking all of said lines and inserting in lieu thereof the following: **“charter form of government. The”**; and

Further amend said bill and section, page 3, line 2, by inserting after the word “thousand” the following: **“A charter school shall only be operated under the provisions of this subdivision if, after meeting all other requirements of sections 160.400 to 160.425, the proposed charter school sponsor submits a request to the school board of the district, which shall submit the question of operation to the voters of the district at the next scheduled school board election date, and the voters of the district approve, by a majority vote, the operation of the charter school in the district.”**; and further amend lines 5-9, by striking all of said lines and inserting in lieu thereof the following: **“within its boundaries. The”**; and further amend line 13, by inserting after the word “thousand” the following: **“A charter school shall only be operated under the provisions of this subdivision if, after meeting all other requirements of sections 160.400 to 160.425, the proposed charter school sponsor submits a request to the school board of the district, which shall submit the question of operation to the voters of the district at the next scheduled school board election date, and the voters of the district approve, by a majority vote, the operation of the charter school in the district.”**.

Senator Arthur moved that **SSA 1** for **SA 1** be adopted, which motion failed on a standing division vote.

**SA 1** was again taken up.

Senator Arthur moved that the above amendment be adopted, which motion failed.

Senator Wallingford assumed the Chair.

Senator Schupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 292, Page 34, Section

160.410, Lines 5-10 of said page, by striking all of the underlined language; and further renumber the remaining subdivision accordingly; and

Further amend said bill, page 39, section 160.415, lines 9-16 of said page, by striking all of said lines; and

Further amend said bill and section, page 40, lines 10-28 of said page, by striking all of said lines; and

Further amend said bill and section, page 44, line 3 of said page, by striking “(1)”; and further amend lines 6-8 of said page, by striking all of the underlined language; and

Further amend said bill and section, page 45, lines 11-17 of said page, by striking all of said lines.

Senator Schupp moved that **SA 2** be adopted.

President Kehoe assumed the Chair.

Senator Schupp offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 292, Page 34, Section 160.410, Lines 5-10 of said page, by striking all of the underlined language; and further renumber the remaining subdivision accordingly; and

Further amend said bill, page 36, section 160.410, line 19, by inserting after the word “members” the following: “, **provided that the results of such background checks shall be made available for public inspection and provided upon request under the provisions of this subsection**”; and

Further amend said bill, page 39, section 160.415, lines 9-16 of said page, by striking all of said lines; and

Further amend said bill and section, page 40, lines 10-28 of said page, by striking all of said lines; and

Further amend said bill and section, page 44, line 3 of said page, by striking “(1)”; and further amend lines 6-8 of said page, by striking all of the underlined language; and

Further amend said bill and section, page 45, lines 11-17 of said page, by striking all of said lines.

Senator Schupp moved that **SSA 1** for **SA 2** be adopted, which motion prevailed.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

Senator Hough offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 292, Page 1, In the Title, Lines 5-6 of the title, by striking “alternative education options for elementary and secondary school students” and inserting in lieu thereof the following: “elementary and secondary education”; and

Further amend said bill, Page 76, Section 167.898, Line 2 of said page, by inserting after all of said line

the following:

**“168.133. 1. As used in this section, “screened volunteer” shall mean any person who assists a school by providing uncompensated service and who may periodically be left alone with students. The school district shall ensure that a criminal background check is conducted for all screened volunteers, who shall complete the criminal background check prior to being left alone with a student. Screened volunteers include, but are not limited to, persons who regularly assist in the office or library, mentor or tutor students, coach or supervise a school-sponsored activity before or after school, or chaperone students on an overnight trip. Screened volunteers may only access student education records when necessary to assist the district and while supervised by staff members. Volunteers that are not screened shall not be left alone with a student or have access to student records.**

**2.** The school district shall ensure that a criminal background check is conducted on any person employed after January 1, 2005, authorized to have contact with pupils and prior to the individual having contact with any pupil. Such persons include, but are not limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians, cooks, **screened volunteers**, and nurses. The school district shall also ensure that a criminal background check is conducted for school bus drivers. The district may allow such drivers to operate buses pending the result of the criminal background check. For bus drivers, the school district shall be responsible for conducting the criminal background check on drivers employed by the school district. For drivers employed by a pupil transportation company under contract with the school district, the criminal background check shall be conducted pursuant to section 43.540 and conform to the requirements established in the National Child Protection Act of 1993, as amended by the Volunteers for Children Act. Personnel who have successfully undergone a criminal background check and a check of the family care safety registry as part of the professional license application process under section 168.021 and who have received clearance on the checks within one prior year of employment shall be considered to have completed the background check requirement. A criminal background check under this section shall include a search of any information publicly available in an electronic format through a public index or single case display.

**[2.] 3.** In order to facilitate the criminal history background check, the applicant shall submit a set of fingerprints collected pursuant to standards determined by the Missouri highway patrol. The fingerprints shall be used by the highway patrol to search the criminal history repository and shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files.

**[3.] 4.** The applicant shall pay the fee for the state criminal history record information pursuant to section 43.530 and sections 210.900 to 210.936 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record when he or she applies for a position authorized to have contact with pupils pursuant to this section. The department shall distribute the fees collected for the state and federal criminal histories to the Missouri highway patrol.

**[4.] 5.** The department of elementary and secondary education shall facilitate an annual check of employed persons holding current active certificates under section 168.021 against criminal history records in the central repository under section 43.530, the sexual offender registry under sections 589.400 to [589.475] **589.426**, and child abuse central registry under sections 210.109 to 210.183. The department of elementary and secondary education shall facilitate procedures for school districts to submit personnel information annually for persons employed by the school districts who do not hold a current valid certificate who are required by subsection 1 of this section to undergo a criminal background check, sexual offender

registry check, and child abuse central registry check. The Missouri state highway patrol shall provide ongoing electronic updates to criminal history background checks of those persons previously submitted, both those who have an active certificate and those who do not have an active certificate, by the department of elementary and secondary education. This shall fulfill the annual check against the criminal history records in the central repository under section 43.530.

[5.] **6.** The school district may adopt a policy to provide for reimbursement of expenses incurred by an employee for state and federal criminal history information pursuant to section 43.530.

[6.] **7.** If, as a result of the criminal history background check mandated by this section, it is determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty or nolo contendere to, or been found guilty of a crime or offense listed in section 168.071, or a similar crime or offense committed in another state, the United States, or any other country, regardless of imposition of sentence, such information shall be reported to the department of elementary and secondary education.

[7.] **8.** Any school official making a report to the department of elementary and secondary education in conformity with this section shall not be subject to civil liability for such action.

[8.] **9.** For any teacher who is employed by a school district on a substitute or part-time basis within one year of such teacher's retirement from a Missouri school, the state of Missouri shall not require such teacher to be subject to any additional background checks prior to having contact with pupils. Nothing in this subsection shall be construed as prohibiting or otherwise restricting a school district from requiring additional background checks for such teachers employed by the school district.

[9.] **10.** A criminal background check and fingerprint collection conducted under subsections 1 [and 2] **to 3** of this section shall be valid for at least a period of one year and transferrable from one school district to another district. A school district may, in its discretion, conduct a new criminal background check and fingerprint collection under subsections 1 [and 2] **to 3** for a newly hired employee at the district's expense. A teacher's change in type of certification shall have no effect on the transferability or validity of such records.

[10.] **11.** Nothing in this section shall be construed to alter the standards for suspension, denial, or revocation of a certificate issued pursuant to this chapter.

[11.] **12.** The state board of education may promulgate rules for criminal history background checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2005, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Hough moved that **SA 3** be adopted.

At the request of Senator Eigel, **SS** for **SCS** for **SB 292** was withdrawn, rendering **SA 3** moot.

Senator Eigel offered **SS No. 2** for **SCS** for **SB 292**, entitled:



SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 292

An Act to repeal sections 160.400, 160.405, 160.408, 160.410, 160.415, 160.425, 160.545, 162.081, 167.125, 167.131, 167.151, 167.241, and 168.133, RSMo, and to enact in lieu thereof twenty new sections relating to alternative education options for elementary and secondary school students, with an emergency clause for certain sections.

Senator Eigel moved that **SS No. 2** for **SCS** for **SB 292** be adopted.

Senator Bernskoetter assumed the Chair.

President Kehoe assumed the Chair.

At the request of Senator Eigel, **SB 292**, with **SCS** and **SS No. 2** for **SCS** (pending), was placed on the Informal Calendar.

**RESOLUTIONS**

Senator May offered Senate Resolution No. 536, regarding Percy James, St. Louis, which was adopted.

Senator Emery offered Senate Resolution No. 537, regarding Noah Austin, Lee's Summit, which was adopted.

Senator Emery offered Senate Resolution No. 538, regarding Thomas Endecott, Cleveland, which was adopted.

Senator Rowden offered Senate Resolution No. 539, regarding Little Bonne Femme Baptist Church, Columbia, which was adopted.

Senator Nasheed offered Senate Resolution No. 540, regarding Armit and Amy Gill, St. Louis, which was adopted.

Senator Nasheed offered Senate Resolution No. 541, regarding Military Museum and "Court of Honor", St. Louis, which was adopted.

Senator Nasheed offered Senate Resolution No. 542, regarding Floyd R. Steffens, St. Louis, which was adopted.

Senator Nasheed offered Senate Resolution No. 543, regarding Brick River Cider Company, St. Louis, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 544, regarding Nolan Suthoff, St. Thomas, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 545, regarding Jason Haselhorst, Jefferson City, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 546, regarding Alec Krumm, Holts Summit, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 547, regarding Brandon Allen, Cuba, which was adopted.

Senator Rizzo offered Senate Resolution No. 548, regarding James A. DiRenna, Kansas City, which was adopted.

Senator Riddle offered Senate Resolution No. 549, regarding the National Churchill Museum and the Church of St. Mary the Virgin, Aldermanbury, which was adopted.

Senator Sater offered Senate Resolution No. 550, regarding Jacob Penrod, Branson, which was adopted.

Senator Sater offered Senate Resolution No. 551, regarding the Sixtieth Wedding Anniversary of Jerry and Wilma Wood, Vernon, which was adopted.

Senator Sater offered Senate Resolution No. 552, regarding the Sixtieth Wedding Anniversary of Larry and Barbara Dudley, Shell Knob, which was adopted.

Senator Sater offered Senate Resolution No. 553, regarding Sixty-fifth Wedding Anniversary of Ronnie and Juanita Banks, which was adopted.

Senator Williams offered Senate Resolution No. 554, regarding James L. “Jim” Hill, Hazelwood, which was adopted.

Senator White offered Senate Resolution No. 555, regarding Emily Bowles, Sarcoxie, which was adopted.

Senator White offered Senate Resolution No. 556, regarding Laura Hogan, Ash Grove, which was adopted.

Senator White offered Senate Resolution No. 557, regarding Brett Pennington, Reeds, which was adopted.

Senator White offered Senate Resolution No. 558, regarding Chris Bowles, Sarcoxie, which was adopted.

Senator Cunningham offered Senate Resolution No. 559, regarding Lois Skaggs Newton, West Plains, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Sifton introduced to the Senate, Charlie Backer, St. Louis.

Senator Brown introduced to the Senate, Josh Ingram, Camdenton.

Senator Brown introduced to the Senate, Abigail Spurgeon, Michelle Spurgeon, Dante Grosso, Kim Dreisewerd, Roberto Nicanor, Jose Nicanor, John Myers, Nelson Colon, Nelson A. Colon, Collin Mitchell, Josiah Spurgeon and Maggie James, representatives of the Civil Air Patrol, Fort Leonard Wood.

Senator Williams introduced to the Senate, Carrie Collins, Charlack; Pamela Westbrooks-Hodge, Normandy; Reyna Spencer, Bel-Ridge; and Breona Hawkins, Pinelawn.

Senator White introduced to the Senate, Dr. Renee White and Tara Garrity, Missouri Southern State University School of Social Work, Joplin.

Senator Cierpiot introduced to the Senate, teacher Eric Schroer and seventh-grade students from Lone Jack Middle School.

Senator Eigel introduced to the Senate, Heather Bell and Anne Young, representatives of Parents as Teachers, St. Peters.

Senator Bernskoetter introduced to the Senate, Robin Lieneke, Osage County.

On behalf of Senators Bernskoetter, Riddle and himself, Senator Rowden introduced to the Senate, Major Karl Schulte, Jefferson City; Oliver Carson, Thomas Klenke and Major Michael McCrady, Columbia; Alexander Jones, Fulton; and Joshua Haubner, Auxvasse, representatives of Missouri Wing Civil Air Patrol Central Missouri.

Senator Schupp introduced to the Senate, representatives of Parents as Teachers from around the state.

Senator Crawford introduced to the Senate, Coaches Randy Roark, Matt Neely and Clint Smith; and Emily Young, Ashlynn Leochner, Quincey Glendenning, Dream Cunningham and Talora Frisbee, Lebanon High School state wrestling team.

Senator Crawford introduced to the Senate, Athletic Director Todd Schrader; and Hayden Burks, Bolivar High School state wrestling team, and Hayden's parents, Robert and Melissa.

Senator White introduced to the Senate, Steve Stockam, Joplin Regional Airport.

Senator Libla introduced to the Senate, Larry and Diane Warren, Dexter; and Curtis, Michelle, Charley, Nate, Iva and Ella Prichard, Burfordville.

Senator Riddle introduced to the Senate, Gary Hinegardner, Bowling Green; David Weglarz, St. Louis; Lynn DeLean-Weber, Marthasville; and Kim Jones, Holts Summit.

Senator Crawford introduced to the Senate, students from Tabernacle Christian Academy, Lebanon.

Senator Schupp introduced to the Senate, Noa Hahn, Ladue.

Senator Rowden introduced to the Senate, Dr. Tim Fete, Columbia.

Senator Koenig introduced to the Senate, the Physician of the Day, Dr. Thomas Saak, St. Louis.

On motion of Senator Rowden, the Senate adjourned under the rules.

## SENATE CALENDAR

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FORTY-FIFTH DAY--WEDNESDAY, APRIL 3, 2019

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## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HB 450-Eggleston  
HCS for HB 694  
HCS for HB 438  
HB 267-Baker  
HB 240-Schroer

HCS for HB 356  
HB 655-Dinkins  
HCS for HB 472  
HCS for HB 763  
HB 257-Stephens

HCS for HB 80  
HCS for HB 169  
HCS for HB 107  
HCS#2 for HB 451  
HCS for HB 341  
HCS for HB 677  
HCS for HB 1  
HCS for HB 2  
HCS for HB 3  
HCS for HB 4  
HCS for HB 5  
HCS for HB 6  
HCS for HB 7  
HCS for HB 8  
HCS for HB 9

HCS for HB 10  
HCS for HB 11  
HCS for HB 12  
HCS for HB 13  
HCS for HB 456  
HB 278-Andrews  
HCS for HB 604  
HCS for HB 703  
HB 124-DeGroot  
HCS#2 for HB 462  
HB 973-Trent  
HCS for HB 959  
HB 355-Plocher  
HRB 1-Shaul

### THIRD READING OF SENATE BILLS

SB 71-Brown  
SB 87-Wallingford  
SS for SB 145-Burlison

SCS for SB 174-Crawford (In Fiscal Oversight)  
SCS for SB 219-Hoskins (In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

1. SB 5-Sater, et al, with SCS  
2. SB 222-Hough  
3. SB 218-Hoskins  
4. SB 306-White  
5. SB 297-White  
6. SJR 13-Holsman, with SCS  
7. SB 88-Libla  
8. SB 155-Luetkemeyer  
9. SB 328-Burlison, with SCS  
10. SB 330-Brown, with SCS  
11. SB 332-Brown  
12. SB 259-Romine  
13. SB 225-Curls  
14. SB 3-Curls  
15. SBs 70 & 128-Hough, with SCS  
16. SB 11-Cunningham  
17. SB 316-Burlison  
18. SB 350-O'Laughlin  
19. SB 118-Cierpiot, with SCS  
20. SB 141-Koenig

21. SB 344-Eigel, with SCS  
22. SB 282-Brown  
23. SB 210-May  
24. SB 333-Rizzo  
25. SJRs 14 & 9-Luetkemeyer, with SCS  
26. SB 255-Bernskoetter  
27. SB 211-Wallingford  
28. SB 37-Onder and Nasheed, with SCS  
29. SB 78-Sater  
30. SB 431-Schatz, with SCS  
31. SB 349-O'Laughlin, with SCS  
32. SB 276-Rowden, with SCS  
33. SB 150-Koenig, with SCS  
34. SB 62-Burlison, with SCS  
35. SB 278-Wallingford, with SCS  
36. SB 293-Hough, with SCS  
37. SB 205-Arthur, with SCS  
38. SB 234-White  
39. SB 363-Riddle, with SCS  
40. SJR 18-Cunningham

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|---|--------------------------------------|
| 41. SB 29-Hegeman, with SCS                         | 52. SB 391-Bernskoetter              |
| 42. SB 31-Wieland                                   | 53. SB 1-Curls and Nasheed, with SCS |
| 43. SB 34-Riddle, with SCS                          | 54. SBs 153 & 117-Sifton, with SCS   |
| 44. SB 318-Burlison                                 | 55. SB 465-Burlison, with SCS        |
| 45. SB 298-White, with SCS                          | 56. SB 296-Cierpiot, with SCS        |
| 46. SBs 279, 139 & 345-Onder and Emery,<br>with SCS | 57. SB 426-Williams                  |
| 47. SB 312-Eigel                                    | 58. SB 412-Holsman                   |
| 48. SB 300-Eigel                                    | 59. SB 203-Nasheed, with SCS         |
| 49. SB 343-Eigel, with SCS                          | 60. SB 414-Wieland                   |
| 50. SB 354-Cierpiot, with SCS                       | 61. SB 336-Schupp                    |
| 51. SB 97-Hegeman, with SCS                         | 62. SB 60-Arthur, with SCS           |

### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 4-Sater   | SB 69-Hough   |
| SB 10-Cunningham, with SCS &<br>SA 1 (pending)                         | SB 76-Sater, with SCS (pending)                         |
| SB 14-Wallingford  | SB 100-Riddle   |
| SB 16-Romine, with SCS, SS for SCS,<br>SA 3 & point of order (pending) | SB 108-Koenig, with SCS                                 |
| SB 19-Libla, with SA 1 (pending)                                       | SB 132-Emery, with SCS                                  |
| SB 39-Onder  | SB 154-Luetkemeyer, with SS &<br>SA 2 (pending)         |
| SB 44-Hoskins, with SCS & SS for SCS<br>(pending)                      | SB 160-Koenig, with SCS, SS for SCS &<br>SA 2 (pending) |
| SBs 46 & 50-Koenig, with SCS, SS for SCS<br>& SA 6 (pending)           | SB 168-Wallingford, with SCS                            |
| SB 49-Rowden, with SCS   | SB 184-Wallingford, with SCS                            |
| SB 52-Eigel, with SCS  | SB 201-Romine   |
| SB 56-Cierpiot, with SCS, SS for SCS &<br>SA 1 (pending)               | SB 224-Luetkemeyer, with SS#2 (pending)                 |
| SB 57-Cierpiot   | SB 252-Wieland, with SCS                                |
| SB 65-White, with SS (pending)   | SB 292-Eigel, with SCS & SS#2 for SCS<br>(pending)      |
|  | SJR 1-Sater and Onder                                   |

### CONSENT CALENDAR

House Bills

Reported 3/28

HB 77-Black (7) (Romine)

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 14, with SCS (Hegeman)

RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 1-Walsh  
SCR 8-Holsman  
SCR 13-Emery

SCR 14-Schatz  
SCR 15-Burlison  
SCR 19-Eigel

To be Referred

HCS for HCR 16

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# Journal of the Senate

## FIRST REGULAR SESSION

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**FORTY-FIFTH DAY—WEDNESDAY, APRIL 3, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“Whoever serves must do so with the strength that God supplies, so that God may be glorified in all things...”: (1 Peter 4:11a)

Gracious God, we are most thankful for the gifts of intellect, strength and health that You provide us so we might fully use these gifts as we go about what You desire us to accomplish. Bless us this day with the discipline we need to exercise regularly and do all things in moderation. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

**Present—Senators**

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

**Absent—Senators—None**

**Absent with leave—Senators—None**

**Vacancies—None**

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Bernskoetter offered Senate Resolution No. 560, regarding Class 2 State Champion Blair Oaks High School Football team, which was adopted.

Senator Schupp offered Senate Resolution No. 561, regarding Helen E. Kevrick, St. Louis, which was

adopted.

Senator Eigel offered Senate Resolution No. 562, regarding David Anthony “Dave” Vitale, St. Peters, which was adopted.

Senator Eigel offered Senate Resolution No. 563, regarding Robert Edward “Bob” Koetter, St. Charles, which was adopted.

Senator Holsman offered Senate Resolution No. 564, regarding Burns & McDonnell, Kansas City, which was adopted.

### REFERRALS

President Pro Tem Schatz referred **HCS** for **HCR 16** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Rowden, the Senate recessed until 2:30 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

### SENATE BILLS FOR PERFECTION

At the request of Senator Sater, **SB 5**, with **SCS** was placed on the Informal Calendar.

At the request of Senator Hough, **SB 222** was placed on the Informal Calendar.

Senator Hoskins moved that **SB 218** be taken up for perfection, which motion prevailed.

Senator Hoskins offered **SS** for **SB 218**, entitled:

#### SENATE SUBSTITUTE FOR SENATE BILL NO. 218

An Act to repeal section 178.530, RSMo, and to enact in lieu thereof one new section relating to agricultural education programs.

Senator Hoskins moved that **SS** for **SB 218** be adopted.

Senator Schupp offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 218, Page 1, In the Title, Lines 3-4 of the title, by striking “agricultural education programs” and inserting in lieu thereof the following: “education pilot programs for elementary students”; and

Further amend said bill and page, Section A, Line 3 of said page, by inserting after all of said line the following:

**“170.020. 1. (1) The department of elementary and secondary education, through its school counseling section, shall be authorized to establish a voluntary pilot program, beginning in the 2020-2021 school year, to provide for mental and emotional health education in elementary schools in the**



state. The purpose of the pilot program shall be to determine whether and how to implement an elementary mental and emotional health education program statewide.

(2) The department, through its employees who work in the school counseling section, is authorized to select from among applications submitted by the public elementary schools a minimum of sixteen public elementary schools for participation in the pilot program. If fewer than sixteen schools apply for participation in the program, the department shall select as many eligible schools possible for partnership in the pilot program. The department shall develop an application process for public elementary schools to apply to participate in the pilot program. The local school board for each elementary school selected to be in the pilot program shall agree to implement and fully fund an elementary mental and emotional health program in such school and to continue to provide such elementary mental and emotional health education program for a period no shorter than three years. The local school district may employ a mental and emotional health teacher to provide such program for the elementary school.

(3) The department, through its employees who work in the school counseling section, and local school districts shall collaborate to establish the instructional model for each elementary mental and emotional health education program. Such instructional model shall be grade-appropriate and include instruction in an organized classroom, including instruction on how to set and achieve positive goals, how to utilize coping strategies to handle stress, and shall have an increased emphasis on protective factors, such as problem-solving skills, social support and social connectedness through positive relationships and teamwork.

(4) The department, through its school counseling section, shall provide for a program evaluation regarding the success and impact of the pilot program upon completion of the third year of the pilot program and shall report the results of such evaluation to the relevant house and senate committees on health and mental health, and education.

2. The department shall maintain an adequate number of full-time employees, certified in mental and emotional health education and distributed regionally throughout the state, to provide accountability for program delivery of mental and emotional health education, to continue to develop and maintain pertinent mental and emotional health education instructional model and standards, to assist local school districts on matters related to mental and emotional health education, and to coordinate regional and state-wide activities supporting K-12 mental and emotional health education programming.

3. Nothing in this section shall be construed to require public elementary schools to participate in the pilot program.”; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that **SA 1** be adopted, which motion prevailed.

Senator Hoskins moved that **SS for SB 218**, as amended, be adopted, which motion prevailed.

On motion of Senator Hoskins, **SS for SB 218**, as amended, was declared perfected and ordered printed.

Senator White moved that **SB 306** be taken up for perfection, which motion prevailed.

Senator White offered **SS** for **SB 306**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 306

An Act to repeal sections 167.020 and 173.1155, RSMo, and to enact in lieu thereof two new sections relating to education for dependents of members of the military, with existing penalty provisions.

Senator White moved that **SS** for **SB 306**, be adopted, which motion prevailed.

On motion of Senator White, **SS** for **SB 306** was declared perfected and ordered printed.

Senator White moved that **SB 297** be taken up for perfection, which motion prevailed.

On motion of Senator White, **SB 297** was declared perfected and ordered printed.

Senator Koenig moved that **SB 108**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 108**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 108

An Act to repeal sections 99.805, 99.810, 99.843, and 99.847, RSMo, and to enact in lieu thereof four new sections relating to tax increment financing.

Was taken up.

Senator Koenig moved that **SCS** for **SB 108** be adopted.

Senator Koenig offered **SS** for **SCS** for **SB 108**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 108

An Act to repeal sections 99.805, 99.810, 99.843, and 99.847, RSMo, and to enact in lieu thereof four new sections relating to tax increment financing.

Senator Koenig moved that **SS** for **SCS** for **SB 108** be adopted.

Senator Cierpiot offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 108, Page 12, Section 99.847, Line 9 of said page, by inserting immediately after the closing bracket “]” the following: “**unless such project is located in:**

**(1) A county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants;**

**(2) A county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat; or**

**(3) A county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants”.**

Senator Cierpiot moved that **SA 1** be adopted, which motion prevailed.

Senator Nasheed offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 108, Page 1, Section 99.805, Line 16 of said page, by inserting immediately after “use” the following: “, **and, for redevelopment areas located in a city not within a county, which has a median household income less than or equal to two hundred percent of the federal poverty level, as determined by the most current five-year figures published by the American Community Survey conducted by the United States Census Bureau**”.

Senator Nasheed moved that **SA 2** be adopted, which motion prevailed.

Senator Koenig moved that **SS** for **SCS** for **SB 108**, as amended, be adopted, which motion prevailed.

On motion of Senator Koenig, **SS** for **SCS** for **SB 108**, as amended, was declared perfected and ordered printed.

Senator Hoskins moved that **SB 44**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SCS** for **SB 44** was again taken up.

At the request of Senator Hoskins, **SS** for **SCS** for **SB 44** was withdrawn.

Senator Hoskins offered **SS No. 2** for **SCS** for **SB 44**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 44

An Act to repeal sections 311.660, 311.710, 311.720, 313.004, 313.255, 313.800, 572.010, and 572.100, RSMo, and to enact in lieu thereof twenty-nine new sections relating to gaming, with penalty provisions.

Senator Hoskins moved that **SS No. 2** for **SCS** for **SB 44** be adopted.

Senator May offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 44, Page 25, Section 313.429, Line 22, by striking the words “an equal” and inserting in lieu thereof the following: “**a negotiated**”; and

Further amend said bill and section, page 31, line 14, by striking the word “equally” and inserting in lieu thereof the following: “**as negotiated**”.

Senator May moved that **SA 1** be adopted.

Senator May offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 44, Page 1, Line 1, by inserting after the word “page” the following: “17, Section 313.427, line 18, by striking “or”; and further amend line 19 by inserting after “organization;” the following: “**or**

**(d) Any establishment authorized to sell intoxicating liquor pursuant to chapter 311 where only patrons who are older than twenty-one years of age are authorized to enter the establishment”;** and

Further amend said bill, page”.

Senator May moved that **SA 1** to **SA 1** be adopted, which motion failed.

**SA 1** was again taken up.

Senator May moved that **SA 1** be adopted and requested a roll call vote be taken. She was joined in her request by Senators Burlison, Holsman, Nasheed and Walsh.

**SA 1** failed of adoption by the following vote:

YEAS—Senators

Arthur	Burlison	Crawford	May	Nasheed	Rizzo	Schupp
Sifton	Walsh	Wieland—10				

NAYS—Senators

Bernskoetter	Brown	Cierpiot	Cunningham	Eigel	Emery	Hegeman
Hoskins	Hough	Koenig	Libla	Luetkemeyer	O’Laughlin	Onder
Riddle	Rowden	Sater	Schatz	Wallingford	White	Williams—21

Absent—Senators

Holsman	Romine—2
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Absent with leave—Senator Curls—1

Vacancies—None

Senator Nasheed offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 44, Page 4, Section 311.710, Line 13, by inserting after “572” the following: “, **provided that devices containing games for which there is no element of chance, including games in which all outcomes and prizes are predetermined, shall not be considered a gambling device”.**

Senator Nasheed moved that **SA 2** be adopted.

At the request of Senator Hoskins, **SS No. 2** for **SCS** for **SB 44** was withdrawn, rendering **SA 2** moot.

Senator Hoskins offered **SS No. 3** for **SCS** for **SB 44**, entitled:

SENATE SUBSTITUTE NO. 3 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 44

An Act to repeal sections 311.660, 311.710, 311.720, 313.004, 313.255, 313.800, 572.010, and 572.100, RSMo, and to enact in lieu thereof thirty-two new sections relating to gaming, with penalty provisions.

Senator Hoskins moved that **SS No. 3** for **SCS** for **SB 44** be adopted.

At the request of Senator Hoskins, **SB 44** with **SCS** and **SS No. 3** for **SCS** (pending), was placed on the Informal Calendar.

**REPORTS OF STANDING COMMITTEES**

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 108**, **SS** for **SB 218**, **SS** for **SB 306** and **SB 297**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

**CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Schatz appointed the following revised conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 14**: Senators Hegeman, Hough, Hoskins, Nasheed and Rizzo.

**RESOLUTIONS**

Senator Sifton offered Senate Resolution No. 565, regarding George Peter Stehlin, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 566, regarding Donald G. “Don” Cook, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 567, regarding Melvin H. “Mel” Ohlau, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 568, regarding Jack Edwin Stoessel, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 569, regarding Harold Warren Howard, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 570, regarding Charles Robert Kinealy, Lemay, which was adopted.

Senator Sifton offered Senate Resolution No. 571, regarding Jesse Edward “Jess” Anderson, St. Louis, which was adopted.

**INTRODUCTIONS OF GUESTS**

Senator Bernskoetter introduced to the Senate, his wife, Jeanette, his daughter, Krista Castrop,

daughters-in-law Tina and Robin Bernskoetter, and grandchildren, Chase Castrop and Trent, Julia, John, Grace and Cody Bernskoetter, Jefferson City; and Chase, Trent, Julia, John, Grace and Cody were made honorary pages.

Senator White introduced to the Senate, 2019 Missouri Outstanding Citizenship Award recipient Maici Craig, and her parents, Rick and Allison; and Instructor Terry Higgins, and his wife, Lynn, Carl Junction.

Senator Brown introduced to the Senate, Lorie Bourne, Rolla.

Senator Cierpiot introduced to the Senate, Principal Charlie Belt; Sophie Mermelstein and Elias Swickard, Blue Springs High School; and Michaela Ross and Gavin Schaefer, Blue Springs South High School.

Senator Crawford introduced to the Senate, Glen and Cathie Nelson, Lincoln.

Senator Bernskoetter introduced to the Senate, Head Coach Ted LePage; assistant coaches Lerone Briggs, Mike Cook, John Butler, Andrew Terpstra, Josh Linnenbrink, Mason Swisher and Kevin Alewine; and members of the 2018 Class 2 State Champion Blair Oaks Falcons football team.

Senator Emery introduced to the Senate, teacher Tina Sudkamp, and Jackson Dryer, Chosen Reichard, Sam Miller, Jade Feller and Cody Jenkins, Nevada High School.

Senator White introduced to the Senate, thirty students from Franklin Technology Center's Skills USA Career and Technology student organization, Joplin.

Senator Williams introduced to the Senate, Paulette Carr and Mary Neal, University City.

Senator Holsman introduced to the Senate, President Vickie Wolgast, and the South Kansas City Chamber of Commerce 2019 Leadership Class.

Senator May introduced to the Senate, Alderwoman Sharon Tyus, St. Louis.

On behalf of Senator Schupp, the President introduced to the Senate, Father Chris Dunlap, teacher Joan Patton, and students from Christ Prince of Peace School, Ballwin.

On motion of Senator Rowden, the Senate adjourned under the rules.

## SENATE CALENDAR

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FORTY-SIXTH DAY—THURSDAY, APRIL 4, 2019

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## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HB 450-Eggleston  
HCS for HB 694  
HCS for HB 438

HB 267-Baker  
HB 240-Schroer  
HCS for HB 356

HB 655-Dinkins	HCS for HB 8
HCS for HB 472	HCS for HB 9
HCS for HB 763	HCS for HB 10
HB 257-Stephens	HCS for HB 11
HCS for HB 80	HCS for HB 12
HCS for HB 169	HCS for HB 13
HCS for HB 107	HCS for HB 456
HCS#2 for HB 451	HB 278-Andrews
HCS for HB 341	HCS for HB 604
HCS for HB 677	HCS for HB 703
HCS for HB 1	HB 124-DeGroot
HCS for HB 2	HCS#2 for HB 462
HCS for HB 3	HB 973-Trent
HCS for HB 4	HCS for HB 959
HCS for HB 5	HB 355-Plocher
HCS for HB 6	HRB 1-Shaul
HCS for HB 7	

### THIRD READING OF SENATE BILLS

SB 71-Brown	SS for SCS for SB 108-Koenig
SB 87-Wallingford	SS for SB 218-Hoskins
SS for SB 145-Burlison	SS for SB 306-White
SCS for SB 174-Crawford (In Fiscal Oversight)	SB 297-White
SCS for SB 219-Hoskins (In Fiscal Oversight)	

### SENATE BILLS FOR PERFECTION

1. SJR 13-Holsman, with SCS	13. SB 350-O'Laughlin
2. SB 88-Libla	14. SB 118-Cierpiot, with SCS
3. SB 155-Luetkemeyer	15. SB 141-Koenig
4. SB 328-Burlison, with SCS	16. SB 344-Eigel, with SCS
5. SB 330-Brown, with SCS	17. SB 282-Brown
6. SB 332-Brown	18. SB 210-May
7. SB 259-Romine	19. SB 333-Rizzo
8. SB 225-Curls	20. SJRs 14 & 9-Luetkemeyer, with SCS
9. SB 3-Curls	21. SB 255-Bernskoetter
10. SBs 70 & 128-Hough, with SCS	22. SB 211-Wallingford
11. SB 11-Cunningham	23. SB 37-Onder and Nasheed, with SCS
12. SB 316-Burlison	24. SB 78-Sater

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|---|--------------------------------------|
| 25. SB 431-Schatz, with SCS                         | 42. SB 312-Eigel                     |
| 26. SB 349-O'Laughlin, with SCS                     | 43. SB 300-Eigel                     |
| 27. SB 276-Rowden, with SCS                         | 44. SB 343-Eigel, with SCS           |
| 28. SB 150-Koenig, with SCS                         | 45. SB 354-Cierpiot, with SCS        |
| 29. SB 62-Burlison, with SCS                        | 46. SB 97-Hegeman, with SCS          |
| 30. SB 278-Wallingford, with SCS                    | 47. SB 391-Bernskoetter              |
| 31. SB 293-Hough, with SCS                          | 48. SB 1-Curls and Nasheed, with SCS |
| 32. SB 205-Arthur, with SCS                         | 49. SBs 153 & 117-Sifton, with SCS   |
| 33. SB 234-White                                    | 50. SB 465-Burlison, with SCS        |
| 34. SB 363-Riddle, with SCS                         | 51. SB 296-Cierpiot, with SCS        |
| 35. SJR 18-Cunningham                               | 52. SB 426-Williams                  |
| 36. SB 29-Hegeman, with SCS                         | 53. SB 412-Holsman                   |
| 37. SB 31-Wieland                                   | 54. SB 203-Nasheed, with SCS         |
| 38. SB 34-Riddle, with SCS                          | 55. SB 414-Wieland                   |
| 39. SB 318-Burlison                                 | 56. SB 336-Schupp                    |
| 40. SB 298-White, with SCS                          | 57. SB 60-Arthur, with SCS           |
| 41. SBs 279, 139 & 345-Onder and Emery,<br>with SCS |                                      |

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 4-Sater   | SB 65-White, with SS (pending)                          |
| SB 5-Sater, et al, with SCS  | SB 69-Hough   |
| SB 10-Cunningham, with SCS & SA 1 (pending)                            | SB 76-Sater, with SCS (pending)                         |
| SB 14-Wallingford  | SB 100-Riddle   |
| SB 16-Romine, with SCS, SS for SCS, SA 3<br>& point of order (pending) | SB 132-Emery, with SCS                                  |
| SB 19-Libla, with SA 1 (pending)                                       | SB 154-Luetkemeyer, with SS & SA 2 (pending)            |
| SB 39-Onder  | SB 160-Koenig, with SCS, SS for SCS & SA 2<br>(pending) |
| SB 44-Hoskins, with SCS & SS#3 for SCS<br>(pending)                    | SB 168-Wallingford, with SCS                            |
| SBs 46 & 50-Koenig, with SCS, SS for SCS<br>& SA 6 (pending)           | SB 184-Wallingford, with SCS                            |
| SB 49-Rowden, with SCS   | SB 201-Romine   |
| SB 52-Eigel, with SCS  | SB 222-Hough  |
| SB 56-Cierpiot, with SCS, SS for SCS & SA 1<br>(pending)               | SB 224-Luetkemeyer, with SS#2 (pending)                 |
| SB 57-Cierpiot   | SB 252-Wieland, with SCS                                |
|  | SB 292-Eigel, with SCS & SS#2 for SCS<br>(pending)      |
|  | SJR 1-Sater and Onder                                   |



CONSENT CALENDAR

House Bills

Reported 3/28

HB 77-Black (7) (Romine)

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 14, with SCS (Hegeman)

RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 1-Walsh  
SCR 8-Holsman  
SCR 13-Emery

HCR 14-Schatz  
SCR 15-Burlison  
SCR 19-Eigel

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# Journal of the Senate

## FIRST REGULAR SESSION

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**FORTY-SIXTH DAY—THURSDAY, APRIL 4, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“To discover God in the smallest and most ordinary things, as well as in the greatest, is to possess a rare and sublime faith.” (Jean-Pierre De Caussade)

Almighty God, You know that we can become so busy that we miss only the grandest of things going on around us. As we finish up this day and prepare to head home let us be mindful of the small acts of caring and courtesy here and at home. Help us to be aware of the joy and happiness, the caring and comforting, the support and need about us. Open us not to miss our opportunities You provide us and to do so with those who love us and are with us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

**Present—Senators**

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

**Absent—Senators—None**

**Absent with leave—Senator Curls—1**

**Vacancies—None**

The Lieutenant Governor was present.

## RESOLUTIONS

Senator White offered Senate Resolution No. 572, regarding Hulston Mill Historic Park, which was

adopted.

Senator Crawford offered Senate Resolution No. 573, regarding Ed Vest, Polk, which was adopted.

### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR  
STATE OF MISSOURI  
April 4, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Neal Farrar, 4384 Raintree Drive, Willard, Greene County, Missouri 65781, as a member of the Well Installation Board, for a term ending February 24, 2020, and until his successor is duly appointed and qualified; vice, Martha E. Hildebrandt, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
April 4, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lindell Lindsey, 1370 Jan Acres, Festus, Jefferson County, Missouri 63028, as a member of the Well Installation Board, for a term ending February 24, 2020, and until his successor is duly appointed and qualified; vice, Robert F. Lawrence, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
April 4, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Deborah Sue Peterson, Republican, 3567 Highway 221, Doe Run, Saint Francois County, Missouri 63637, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2021, and until her successor is duly appointed and qualified; vice, Michael Jay Burbank, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
April 4, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dr. Kenneth F. Scott, Jr., 421 South 2nd Street, Clinton, Henry County, Missouri 64735, as a member of the Missouri 911 Service Board, for a term ending April 9, 2020, and until his successor is duly appointed and qualified; vice, Elizabeth M. Pierson, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI

April 4, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jason T. White, 1024 South Forest Avenue, Independence, Jackson County, Missouri 64050, as a member of the Missouri 911 Service Board, for a term ending April 9, 2020, and until his successor is duly appointed and qualified; vice, Nathan D. Preston, term expired.

Respectfully submitted,

Michael L. Parson

Governor

President Pro Tem Schatz referred the above appointments to the Committee on Gubernatorial Appointments.

### **REPORTS OF STANDING COMMITTEES**

Senator Schatz, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Clifford Kent Holekamp, Republican, as a member of the Missouri Development Finance Board;

Also,

Sherry Jones, Republican, as a member of the State Fair Commission;

Also,

Brian Munzlinger, Republican, as a member of the Board of Probation and Parole;

Also,

Glen Nelson, Republican, as Northern District Commissioner of the Benton County Commission;

Also,

William L. (Barry) Orscheln, Republican, as a member of the Conservation Commission;

Also,

Richard Popp, Republican, as a member of the Lincoln University Board of Curators;

Also,

Scott R. Ream, as a member of the State Board of Optometry;

Also,

Kenneth J. Schmidt, as a member of the Missouri Propane Safety Commission; and

Mary Sheid, Democrat, as a member of the State Board of Education.

Senator Schatz requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Schatz moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

### **REFERRALS**

President Pro Tem Schatz referred **SS** for **SB 218** to the Committee on Fiscal Oversight.

President Pro Tem Schatz assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **SB 514**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Libla, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 430**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 186**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **SCS** for **SB 219** and **SCS** for **SB 174**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Wieland, Chairman of the Committee on Insurance and Banking, submitted the following reports:

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 302**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 347**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 439**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **HB 182**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following reports:

Mr. President: Your Committee on Professional Registration, to which was referred **SB 303**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Professional Registration, to which was referred **SB 376**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Onder, Chairman of the Committee on Health and Pensions, submitted the following report:

Mr. President: Your Committee on Health and Pensions, to which was referred **SB 82**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Hoskins, Chairman of the Committee on Small Business and Industry, submitted the following report:

Mr. President: Your Committee on Small Business and Industry, to which was referred **SB 161**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Eigel, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 144**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Koenig, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SJR 20**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 208**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crawford, Chairman of the Committee on Local Government and Elections, submitted the following reports:

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 189**,

begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 385**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 409**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Cierpiot, Chairman of the Committee on Economic Development, submitted the following report:

Mr. President: Your Committee on Economic Development, to which was referred **SB 437**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bernskoetter, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 286**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 325**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Luetkemeyer, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 8** and **SB 74**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 386**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Romine, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 272**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 265**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Kehoe assumed the Chair.

### HOUSE BILLS ON THIRD READING

**HB 77**, introduced by Representative Black (7), entitled:

An Act to repeal section 169.560, RSMo, and to enact in lieu thereof one new section relating to the public school retirement system, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Romine.

Pursuant to Senate Rule 91, Senator Riddle was excused from voting on the third reading of **HB 77**.

On motion of Senator Romine, **HB 77** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Curls—1

Excused from voting—Senator Riddle—1

Vacancies—None

The President declared the bill passed.

Pursuant to Senate Rule 91, Senator Riddle was excused from voting on the emergency clause on **HB 77**.

The emergency clause was adopted by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Curls—1



Excused from voting—Senator Riddle—1

Vacancies—None

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

The Senate observed a moment of silence in memory of Samuel “Sam” Warmann.

### THIRD READING OF SENATE BILLS

**SB 71**, introduced by Senator Brown, entitled:

An Act to repeal section 287.310, RSMo, and to enact in lieu thereof one new section relating to workers’ compensation premiums.

Was taken up.

On motion of Senator Brown, **SB 71** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	O’Laughlin	Onder	Riddle	Romine	Rowden
Sater	Schatz	Schupp	Sifton	Wallingford	Walsh	White

Wieland—29

#### NAYS—Senators

Nasheed	Rizzo	Williams—3
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Absent—Senator Hegeman—1

Absent with leave—Senator Curls—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 87**, introduced by Senator Wallingford, entitled:

An Act to repeal section 143.1026, RSMo, and to enact in lieu thereof one new section relating to tax refund donations for pediatric cancer research.

Was taken up.

On motion of Senator Wallingford, **SB 87** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Curls—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SS for SB 145**, introduced by Senator Burlison, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 145

An Act to repeal section 210.1014, RSMo, and to enact in lieu thereof one new section relating to the Amber alert system.

Was taken up.

On motion of Senator Burlison, **SS for SB 145** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Curls—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Burlison, title to the bill was agreed to.

Senator Burlison moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SCS for SB 174**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 174

An Act to repeal sections 143.121 and 148.064, RSMo, and to enact in lieu thereof two new sections relating to the reduction of taxes owed on certain income.

Was taken up by Senator Crawford.

On motion of Senator Crawford, **SCS for SB 174** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Curls—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SCS for SB 219**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 219

An Act to repeal section 326.289, RSMo, and to enact in lieu thereof two new sections relating to consumer protections for preparation of financial documents.

Was taken up by Senator Hoskins.

On motion of Senator Hoskins, **SCS for SB 219** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig

Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Curls—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hoskins, title to the bill was agreed to.

Senator Hoskins moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SS for SCS for SB 108**, introduced by Senator Koenig, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 108

An Act to repeal sections 99.805, 99.810, 99.843, and 99.847, RSMo, and to enact in lieu thereof four new sections relating to tax increment financing.

Was taken up.

On motion of Senator Koenig, **SS for SCS for SB 108** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Curls—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Koenig, title to the bill was agreed to.

Senator Koenig moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SS for SB 306**, introduced by Senator White, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 306

An Act to repeal sections 167.020 and 173.1155, RSMo, and to enact in lieu thereof two new sections relating to education for dependents of members of the military, with existing penalty provisions.

Was taken up.

On motion of Senator White, **SS for SB 306** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Curls—1

Vacancies—None

The President declared the bill passed.

On motion of Senator White, title to the bill was agreed to.

Senator White moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SB 297**, introduced by Senator White, entitled:

An Act to repeal section 494.430, RSMo, and to enact in lieu thereof one new section relating to jury duty.

Was taken up.

On motion of Senator White, **SB 297** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Curls—1

Vacancies—None

The President declared the bill passed.

On motion of Senator White, title to the bill was agreed to.

Senator White moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### **SENATE BILLS FOR PERFECTION**

**SJR 13**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Libla, **SB 88** was placed on the Informal Calendar.

At the request of Senator Luetkemeyer, **SB 155** was placed on the Informal Calendar.

At the request of Senator Burlison, **SB 328**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Brown, **SB 330**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Brown, **SB 332** was placed on the Informal Calendar.

**SB 259** was placed on the Informal Calendar.

**SB 225** was placed on the Informal Calendar.

**SB 3** was placed on the Informal Calendar.

At the request of Senator Hough, **SB 70** and **SB 128**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Cunningham, **SB 11** was placed on the Informal Calendar.

**SB 316** was placed on the Informal Calendar.

**SB 350** was placed on the Informal Calendar.

At the request of Senator Cierpiot, **SB 118**, with **SCS**, was placed on the Informal Calendar.

**SB 141** was placed on the Informal Calendar.

**SB 344**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Brown, **SB 282** was placed on the Informal Calendar.

At the request of Senator May, **SB 210** was placed on the Informal Calendar.

**SB 333** was placed on the Informal Calendar.

At the request of Senator Luetkemeyer, **SJR 14** and **SJR 9**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Bernskoetter, **SB 255** was placed on the Informal Calendar.

At the request of Senator Wallingford, **SB 211** was placed on the Informal Calendar.

**SB 37**, with **SCS**, was placed on the Informal Calendar.

**SB 78** was placed on the Informal Calendar.

At the request of Senator Schatz, **SB 431**, with **SCS**, was placed on the Informal Calendar.

**SB 349**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Rowden, **SB 276**, with **SCS**, was placed on the Informal Calendar.

**SB 150**, with **SCS**, was placed on the Informal Calendar.

**SB 62**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wallingford, **SB 278**, with **SCS**, was placed on the Informal Calendar.

**SB 293**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Arthur, **SB 205**, with **SCS**, was placed on the Informal Calendar.

**SB 234** was placed on the Informal Calendar.

At the request of Senator Riddle, **SB 363**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Cunningham, **SJR 18** was placed on the Informal Calendar.

At the request of Senator Hegeman, **SB 29**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wieland, **SB 31** was placed on the Informal Calendar.

At the request of Senator Riddle, **SB 34**, with **SCS**, was placed on the Informal Calendar.

**SB 318** was placed on the Informal Calendar.

**SB 298**, with **SCS**, was placed on the Informal Calendar.

**SB 279**, **SB 139** and **SB 345**, with **SCS**, were placed on the Informal Calendar.

**SB 312** was placed on the Informal Calendar.

**SB 300** was placed on the Informal Calendar.

**SB 343**, with **SCS**, was placed on the Informal Calendar.

**SB 354**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Hegeman, **SB 97**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Bernskoetter, **SB 391** was placed on the Informal Calendar.

**SB 1**, with **SCS**, was placed on the Informal Calendar.

**SB 153** and **SB 117**, with **SCS**, were placed on the Informal Calendar.

**SB 465**, with **SCS**, was placed on the Informal Calendar.

**SB 296**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Williams, **SB 426** was placed on the Informal Calendar.

At the request of Senator Holsman, **SB 412** was placed on the Informal Calendar.

At the request of Senator Nasheed, **SB 203**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wieland, **SB 414** was placed on the Informal Calendar.

**SB 336** was placed on the Informal Calendar.

At the request of Senator Arthur, **SB 60**, with **SCS**, was placed on the Informal Calendar.

**HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HB 450**—Health and Pensions.

**HCS for HB 694**—Transportation, Infrastructure and Public Safety.

**HCS for HB 438**—Local Government and Elections.

**HB 267**—Education.

**HB 240**—Seniors, Families and Children.

**HCS for HB 356**—General Laws.

**HB 655**—Agriculture, Food Production and Outdoor Resources.

**HCS for HB 472**—Professional Registration.

**HCS for HB 763**—Government Reform.

**HB 257**—Professional Registration.

**HCS for HB 80**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 169**—Education.

**HCS for HB 107**—Agriculture, Food Production and Outdoor Resources.

**HCS No. 2 for HB 451**—Transportation, Infrastructure and Public Safety.

**HCS for HB 341**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 677**—Economic Development.

**HCS for HB 1**—Appropriations.

**HCS for HB 2**—Appropriations.

**HCS for HB 3**—Appropriations.

**HCS for HB 4**—Appropriations.

**HCS for HB 5**—Appropriations.

**HCS for HB 6**—Appropriations.

**HCS for HB 7**—Appropriations.

**HCS for HB 8**—Appropriations.

**HCS for HB 9**—Appropriations.

**HCS for HB 10**—Appropriations.

**HCS for HB 11**—Appropriations.

**HCS for HB 12**—Appropriations.

**HCS for HB 13**—Appropriations.

Senator Wallingford assumed the Chair.

**COMMUNICATIONS**

President Pro Tem Schatz submitted the following:



**SENATE HEARING SCHEDULE**  
**100th GENERAL ASSEMBLY**  
**FIRST REGULAR SESSION**  
**APRIL 4, 2019**

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		<b>Government Reform</b> <b>SCR 1</b> <b>(Emery)</b>  <b>Ways and Means</b> <b>SL</b> <b>(Koenig)</b>  <b>Appropriations</b> <b>SCR 2</b> <b>(Hegeman)</b>	<b>Seniors, Families and Children</b> <b>SL</b> <b>(Sater)</b>  <b>Progress and Development</b> <b>SCR 1</b> <b>(Walsh)</b>  <b>Appropriations</b> <b>SCR 2</b> <b>(Hegeman)</b>	<b>Transportation, Infrastructure</b> <b>and Public Safety</b> <b>SL</b> <b>(Libla)</b>  <b>Small Business &amp; Industry</b> <b>SCR 1</b> <b>(Hoskins)</b>  <b>Appropriations</b> <b>SCR 2</b> <b>(Hegeman)</b>
9:00 a.m.		<b>Rules, Joint Rules, Resolutions</b> <b>and Ethics</b> <b>SL</b> <b>(Rowden)</b>	<b>Insurance and Banking</b> <b>SCR 1</b> <b>(Wieland)</b>	<b>Fiscal Oversight</b> <b>Bingham Conference Room</b> <b>(Cunningham)</b>
12:00 p.m.		<b>General Laws</b> <b>SL</b> <b>(Eigel)</b>  <b>Economic Development</b> <b>SCR 1</b> <b>(Cierpiot)</b>	<b>Gubernatorial Appointments</b> <b>SL</b> <b>(Schatz)</b>  <b>Health and Pensions</b> <b>SCR 1</b> <b>(Onder)</b>  <b>Appropriations</b> <b>SCR 2</b> <b>(Hegeman)</b>	
1:00 p.m.		<b>Veterans &amp; Military Affairs</b> <b>SCR 1</b> <b>(White)</b>  <b>Education</b> <b>SL</b> <b>(Romine)</b>  <b>Appropriations</b> <b>SCR 2</b> <b>(Hegeman)</b>	<b>Commerce, Consumer Protection,</b> <b>Energy and the Environment</b> <b>SL</b> <b>(Wallingford)</b>  <b>Local Government &amp; Elections</b> <b>SCR 1</b> <b>(Crawford)</b>	
2:00 p.m.	<b>Judiciary and Civil and</b> <b>Criminal Jurisprudence</b> <b>SCR 1</b> <b>(Luetkemeyer )</b>  <b>Professional Registration</b> <b>SL</b> <b>(Riddle)</b>  <b>Agriculture, Food</b> <b>Production and Outdoor</b> <b>Resources</b> <b>SCR 2</b> <b>(Bernskoetter)</b>			

SCR 1 - Senate Committee Rm. 1, Room 118

SL - Senate Lounge

SCR 2 - Senate Committee Rm. 2, Room 119

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 982**, entitled:

An Act to repeal sections 8.007 and 8.177, RSMo, and to enact in lieu thereof two new sections relating to Missouri capitol police.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 628**, entitled:

An Act to repeal sections 195.080 and 332.361, RSMo, and to enact in lieu thereof two new sections relating to dental prescriptions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1029**, entitled:

An Act to repeal section 30.753, RSMo, and to enact in lieu thereof one new section relating to the state treasurer.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 762**, entitled:

An Act to repeal section 139.250, RSMo, and to enact in lieu thereof ten new sections relating to the Missouri municipal government expenditure database, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1088**, entitled:

An Act to amend chapter 37, RSMo, by adding thereto one new section relating to the office of

administration.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 824**, entitled:

An Act to repeal sections 195.740, 195.743, 195.746, 195.749, 195.752, 195.755, 195.756, 195.758, 195.764, 195.767, 195.770, and 195.773, RSMo, and to enact in lieu thereof ten new sections relating to industrial hemp, with penalty provisions and an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 739**, entitled:

An Act to repeal sections 162.068, 162.203, 168.133, and 210.110, RSMo, and to enact in lieu thereof five new sections relating to elementary and secondary education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 812** and **832**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto two new sections relating to the designation of memorial highways.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## **RESOLUTIONS**

Senator Riddle offered Senate Resolution No. 574, regarding the Fiftieth Wedding Anniversary of Jerry and Maurine Long, which was adopted.

## **INTRODUCTIONS OF GUESTS**

Senator Luetkemeyer introduced to the Senate, Becky and Lauren Criswell, Kansas City; and Lauren was made an honorary page.

Senator May introduced to the Senate, teachers, parents and students from Forsyth Elementary

School.

Senator Walsh introduced to the Senate, Alan Scheibel, Florissant.

Senator Hoskins introduced to the Senate, Edie Bauer, Osage County; and Edie was made an honorary page.

Senator Hoskins introduced to the Senate, forty-four students from the University of Missouri - Columbia, the University of Missouri - Kansas City, Missouri University of Science and Technology, and the University of Missouri - St. Louis participating in Undergraduate Research Day.

Senator Libla introduced to the Senate, Herman Styles, Poplar Bluff.

Senator Romine introduced to the Senate, the Physician of the Day, Dr. Greg Terpstra, Potosi.

Senator White introduced to the Senate, Stephanie McGrew, and representatives of the Joplin Area Chamber of Commerce Leadership Joplin program.

Senator Schupp introduced to the Senate, teachers, parents and eighty fourth-grade students from Old Bonhomme Elementary School, Olivette.

On behalf of Senator Schupp and himself, the President introduced to the Senate, Sarah Walsh, St. Louis.

Senator Sifton introduced to the Senate, his son, Stephen, St. Louis; and Stephen was made an honorary page.

On motion of Senator Rowden, the Senate adjourned until 4:00 p.m., Monday, April 8, 2019.

## SENATE CALENDAR

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FORTY-SEVENTH DAY—MONDAY, APRIL 8, 2019

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## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HCS for HB 456  
HB 278-Andrews  
HCS for HB 604  
HCS for HB 703  
HB 124-DeGroot  
HCS#2 for HB 462  
HB 973-Trent  
HCS for HB 959

HB 355-Plocher  
HRB 1-Shaul  
HCS for HB 982  
HB 628-Lavender  
HB 1029-Bondon  
HCS for HB 762  
HCS for HB 1088  
HCS for HB 824

HCS for HB 739

HCS for HBs 812 &amp; 832

## THIRD READING OF SENATE BILLS

SS for SB 218-Hoskins (In Fiscal Oversight)

## SENATE BILLS FOR PERFECTION

- |                               |                                  |
|-------------------------------|----------------------------------|
| 1. SB 514-Sater               | 13. SB 208-Wallingford           |
| 2. SB 430-Libla               | 14. SB 189-Crawford, with SCS    |
| 3. SB 186-Hegeman             | 15. SB 385-Bernskoetter          |
| 4. SB 302-Wallingford         | 16. SB 409-Wieland, et al        |
| 5. SB 347-Burlison            | 17. SB 437-Hoskins               |
| 6. SB 439-Brown               | 18. SB 286-Hough                 |
| 7. SB 303-Riddle, with SCS    | 19. SB 325-Crawford, with SCS    |
| 8. SB 376-Riddle              | 20. SBs 8 & 74-Emery, with SCS   |
| 9. SB 82-Cunningham, with SCS | 21. SB 386-O'Laughlin, with SCS  |
| 10. SB 161-Cunningham         | 22. SB 272-Emery, with SCS       |
| 11. SB 144-Burlison, with SCS | 23. SB 265-Luetkemeyer, with SCS |
| 12. SJR 20-Koenig, with SCS   |                                  |

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

- |  |  |
|--|--|
| SB 1-Curls and Nasheed, with SCS                                       | SB 37-Onder and Nasheed, with SCS                            |
| SB 3-Curls   | SB 39-Onder  |
| SB 4-Sater   | SB 44-Hoskins, with SCS & SS#3 for SCS<br>(pending)          |
| SB 5-Sater, et al, with SCS  | SBs 46 & 50-Koenig, with SCS, SS for SCS<br>& SA 6 (pending) |
| SB 10-Cunningham, with SCS & SA 1<br>(pending)                         | SB 49-Rowden, with SCS                                       |
| SB 11-Cunningham   | SB 52-Eigel, with SCS  |
| SB 14-Wallingford  | SB 56-Cierpiot, with SCS, SS for SCS &<br>SA 1 (pending)     |
| SB 16-Romine, with SCS, SS for SCS, SA 3<br>& point of order (pending) | SB 57-Cierpiot   |
| SB 19-Libla, with SA 1 (pending)                                       | SB 60-Arthur, with SCS                                       |
| SB 29-Hegeman, with SCS  | SB 62-Burlison, with SCS                                     |
| SB 31-Wieland  | SB 65-White, with SS (pending)                               |
| SB 34-Riddle, with SCS   |  |

SB 69-Hough	SBs 279, 139 & 345-Onder and Emery, with SCS
SBs 70 & 128-Hough, with SCS	SB 282-Brown
SB 76-Sater, with SCS (pending)	SB 292-Eigel, with SCS & SS#2 for SCS (pending)
SB 78-Sater	SB 293-Hough, with SCS
SB 88-Libla	SB 296-Cierpiot, with SCS
SB 97-Hegeman, with SCS	SB 298-White, with SCS
SB 100-Riddle	SB 300-Eigel
SB 118-Cierpiot, with SCS	SB 312-Eigel
SB 132-Emery, with SCS	SB 316-Burlison
SB 141-Koenig	SB 318-Burlison
SB 150-Koenig, with SCS	SB 328-Burlison, with SCS
SBs 153 & 117-Sifton, with SCS	SB 330-Brown, with SCS
SB 154-Luetkemeyer, with SS & SA 2 (pending)	SB 332-Brown
SB 155-Luetkemeyer	SB 333-Rizzo
SB 160-Koenig, with SCS, SS for SCS & SA2 (pending)	SB 336-Schupp
SB 168-Wallingford, with SCS	SB 343-Eigel, with SCS
SB 184-Wallingford, with SCS	SB 344-Eigel, with SCS
SB 201-Romine	SB 349-O'Laughlin, with SCS
SB 203-Nasheed, with SCS	SB 350-O'Laughlin
SB 205-Arthur, with SCS	SB 354-Cierpiot, with SCS
SB 210-May	SB 363-Riddle, with SCS
SB 211-Wallingford	SB 391-Bernskoetter
SB 222-Hough	SB 412-Holsman
SB 224-Luetkemeyer, with SS#2 (pending)	SB 414-Wieland
SB 225-Curls	SB 426-Williams
SB 234-White	SB 431-Schatz, with SCS
SB 252-Wieland, with SCS	SB 465-Burlison, with SCS
SB 255-Bernskoetter	SJR 1-Sater and Onder
SB 259-Romine	SJR 13-Holsman, with SCS
SB 276-Rowden, with SCS	SJR 14 & 9-Luetkemeyer, with SCS
SB 278-Wallingford, with SCS	SJR 18-Cunningham

#### CONSENT CALENDAR

House Bills

Reported 4/4

HB 182-Shull

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

## In Conference

HCS for HB 14, with SCS (Hegeman)

## RESOLUTIONS

SR 20-Holsman

## Reported from Committee

SCR 1-Walsh  
SCR 8-Holsman  
SCR 13-EmerySCR 14-Schatz  
SCR 15-Burlison  
SCR 19-Eigel

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# Journal of the Senate

## FIRST REGULAR SESSION

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**FORTY-SEVENTH DAY—MONDAY, APRIL 8, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“The ransomed if the Lord shall return...with songs and everlasting joy upon their heads...” (Isaiah 35:10)

Lord God we have returned to our work and responsibilities You have given us. We thank You that You have shown us that we are to be joyful in our living and working and that gladness will accompany us through these days of service to the people we serve. For indeed we believe You have sent us to contribute to the health and well-being of the people of Missouri. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 4, 2019 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	White	Wieland	Williams—32			

Absent—Senators—None

Absent with leave—Senators

Curls Walsh—2

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Romine offered Senate Resolution No. 575, regarding Lori Knox, Irondale, which was adopted.



Senator Romine offered Senate Resolution No. 576, regarding Stacy Stevens, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 577, regarding Georgia Duncan, Farmington, which was adopted.

Senator Romine offered Senate Resolution No. 578, regarding Todd Watson, Leadwood, which was adopted.

Senator Romine offered Senate Resolution No. 579, regarding Jennifer Seabourne, Desloge, which was adopted.

Senator Romine offered Senate Resolution No. 580, regarding Eric Moyers, Leadwood, which was adopted.

Senator Koenig offered Senate Resolution No. 581, regarding Bill Kuhlmann, which was adopted.

Senator Hough offered Senate Resolution No. 582, regarding the Twentieth Anniversary of the Greene County Underage Drinking Task Force, which was adopted.

Senator Brown offered Senate Resolution No. 583, regarding Missouri Public Utility Alliance, which was adopted.

Senator Onder offered Senate Resolution No. 584, regarding Sandhill Counseling and Consultation, O'Fallon, which was adopted.

Senator White offered Senate Resolution No. 585, regarding Tatum Rose Graham, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 586, regarding Rubi Guillen, Jefferson City, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 587, regarding the Cole County Health Department, Jefferson City, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 588, regarding Linda Everett, Jefferson City, which was adopted.

Senator Libla offered Senate Resolution No. 589, regarding Shelby Lutes, Poplar Bluff, which was adopted.

Senator Libla offered Senate Resolution No. 590, regarding Emma King, Poplar Bluff, which was adopted.

Senator O'Laughlin offered Senate Resolution No. 591, regarding Kinsey Tiemann, which was adopted.

On behalf of Senator Walsh, Senator Rowden offered Senate Resolution No. 592, regarding Brent Sweeney, St. Louis, which was adopted.

### **CONCURRENT RESOLUTIONS**

Senator Rizzo offered the following concurrent resolution:

#### **SENATE CONCURRENT RESOLUTION NO. 25**

Whereas, U.S. farmers have stored record amounts of their harvests, due in part to lost sales from the Trump Administration's trade war with China, Missouri's number one purchaser of soybean exports; and

Whereas, as of March 1, 2019, American farmers held 2.716 billion bushels of soybean stock, the largest on record for this time of year;

and

Whereas, as of March 1, 2019, American farmers held the third-largest on record stock of corn; and

Whereas, according to the United States Department of Agriculture's National Agricultural Statistics Service, in 2018 Missouri farmers produced: 4,760,000 tons of hay; 1,300,000 tons of corn; 835,000 480 lb bales of cotton; 261,000,000 Bushels of soybeans; 17,090,000 CWT of rice; and 30,680,000 Bushels of wheat; and

Whereas, widespread flooding devastated the American Midwest in mid-March and caused millions of bushels of crops to be damaged or lost; and

Whereas, the magnitude of these losses is exacerbated by the additional crops stored in response to the Trump Administration's trade war with China; and

Whereas, U.S. Agriculture Under Secretary Bill Northey has stated that the USDA has no mechanism to compensate farmers for damaged crops in storage; and

Whereas, last year, the USDA made, without Congressional approval, \$12 billion in government assistance available to farmers who suffered losses under the Trump Administration's trade war; and

Whereas, despite other assistance programs, the USDA has no existing program to cover the catastrophic and largely uninsured stored-crop losses from the widespread flooding; and

Whereas, Congressional approval would be needed to create a new program to provide government assistance to American farmers who lost stored crops during recent severe weather:

Now Therefore Be It Resolved that the members of the Missouri Senate, One Hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress to pass emergency legislation to provide additional government assistance to American farmers whose crops were stored as a result of the Trump Administration's trade war with China and subsequently damaged or lost during severe weather; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Missouri's Congressional delegation.

President Pro Tem Schatz assumed the Chair.

## **REPORTS OF STANDING COMMITTEES**

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HB 188**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following report:

Mr. President: Your Committee on Professional Registration, to which was referred **HB 612**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Kehoe assumed the Chair.

## **SENATE BILLS FOR PERFECTION**

Senator Brown moved that **SB 330**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 330**, entitled:

### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 330**

An Act to amend chapter 301, RSMo, by adding thereto two new sections relating to special license plates.

Was taken up.

Senator Brown moved that **SCS** for **SB 330** be adopted, which motion prevailed.

On motion of Senator Brown, **SCS** for **SB 330** was declared perfected and ordered printed.

Senator Cierpiot moved that **SB 56**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1** was again taken up.

At the request of Senator Cierpiot, **SB 56**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **HB 626**, entitled:

An Act to repeal sections 144.070 and 301.032, RSMo, and to enact in lieu thereof two new sections relating to motor vehicles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **HB 352**, entitled:

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to parole eligibility.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 715**, entitled:

An Act to repeal section 173.234, RSMo, and to enact in lieu thereof one new section relating to higher education financial aid for families of military members.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 400**, entitled:

An Act to repeal section 173.900, RSMo, and to enact in lieu thereof one new section relating to the Missouri returning heroes education act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 563**, entitled:

An Act to repeal sections 215.030 and 260.035, RSMo, and to enact in lieu thereof two new sections relating to employer eligibility in the Missouri State Employees' Retirement System.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1061**, entitled:

An Act to repeal section 68.040, RSMo, and to enact in lieu thereof one new section relating to bonds issued by port authorities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 265**, entitled:

An Act to repeal section 8.051, RSMo, and to enact in lieu thereof one new section relating to products sold in the state capitol.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 332**, entitled:

An Act to repeal section 288.100, RSMo, and to enact in lieu thereof two new sections relating to employment security, with a delayed effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 266**, entitled:

An Act to amend chapter 185, RSMo, by adding thereto one new section relating to Missouri historical theater designations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 168**, entitled:

An Act to repeal sections 579.040 and 579.076, RSMo, and to enact in lieu thereof two new sections relating to distributors of hypodermic needles, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 272**, entitled:

An Act to repeal sections 536.300, 536.305, 536.310, and 536.315, RSMo, and to enact in lieu thereof four new sections relating to the small business regulatory fairness board.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **HB 374**, entitled:

An Act to repeal sections 67.392, 67.505, 67.547, 67.583, 67.584, 67.585, 67.587, 67.590, 67.671, 67.700, 67.729, 67.745, 67.782, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1775, 67.1922, 67.1959, 67.2000, 67.2030, 67.2040, 67.2520, 67.2530, 67.5012, 92.338, 92.500, 94.413, 94.510, 94.577, 94.578, 94.579, 94.581, 94.585, 94.605, 94.660, 94.705, 94.805, 94.850, 94.890, 94.900, 94.902, 94.950, 94.1000, 94.1008, 94.1010, and 94.1012, RSMo, and to enact in lieu thereof fifty-two new sections relating to sales taxes, with a delayed effective date for a certain section.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 160**, entitled:

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to the public service commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 723**, entitled:

An Act to repeal sections 70.600, 169.141, and 169.715, RSMo, and to enact in lieu thereof four new sections relating to public employee retirement systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 898**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the establishment of a special license plate.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 841**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to diffuse intrinsic pontine glioma awareness day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 831**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto two new sections relating to the establishment of a special license plate.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 815**, entitled:

An Act to repeal section 385.015, RSMo, and to enact in lieu thereof one new section relating to credit insurance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 575**, entitled:

An Act to repeal sections 173.2505 and 571.107, RSMo, and to enact in lieu thereof six new sections relating to institutions of higher education, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 485**, entitled:

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to special school districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 559**, entitled:

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to working animals.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 728**, entitled:

An Act to repeal section 507.010, RSMo, and to enact in lieu thereof one new section relating to the name of the party in interest in certain civil actions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 269**, entitled:

An Act to repeal sections 115.357, 115.427, and 115.642, RSMo, and to enact in lieu thereof three new sections relating to the secretary of state.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 501**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the state tartan.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 229**, entitled:

An Act to repeal section 452.375, RSMo, and to enact in lieu thereof one new section relating to child custody arrangements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 346**, entitled:

An Act to repeal sections 620.2005, 620.2010, and 620.2020, RSMo, and to enact in lieu thereof three new sections relating to the Missouri works program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 700**, entitled:

An Act to repeal section 452.402, RSMo, and to enact in lieu thereof one new section relating to grandparents' visitation rights.

In which the concurrence of the Senate is respectfully requested.



Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 761**, entitled:

An Act to repeal section 105.145, RSMo, and to enact in lieu thereof one new section relating to financial reports of political subdivisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 584**, entitled:

An Act to repeal sections 136.055 and 301.210, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle license offices.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **REPORTS OF STANDING COMMITTEES**

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 330**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **INTRODUCTIONS OF GUESTS**

Senator Brown introduced to the Senate, Bryon Johns, Salem; Fred Eaton and Kevin Thorton, Columbia; and Daniel Shelden and Josh Evans, Waynesville, representatives of Missouri Association of Municipal Utilities.

Senator Luetkemeyer introduced to the Senate, Annie Ebert, Columbia.

Senator Hegeman introduced to the Senate, Johnie Hendrix, Association of Missouri Electric Cooperatives; Ryan Hagner, Brad Suthoff and Daren VanLoo, Central Electric Power Cooperative; Matt Webb, Josh Hitch and Jack Delmont, Crawford Electric Cooperative; and Tim Thoenen, Dillon Barnfield, Jon Arnold and Andy Roselius, Co-Mo Electric Cooperative.

Senator Schatz introduced to the Senate, linemen from Crawford Electric Cooperative.

Senator White introduced to the Senate, Derek Crowe, Noah Smith, John Amershek, Jeff Moore and Justin Ralston, City of Carthage Water and Electric Plant.

Senator Koenig introduced to the Senate, Secretary of State Mac Warner, Virginia.

Senator Burlison introduced to the Senate, Dr. Benjamin Chavis, Jr., Washington, D.C.

On motion of Senator Rowden, the Senate adjourned until 2:00 p.m., Tuesday, April 9, 2019.

SENATE CALENDAR

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FORTY-EIGHTH DAY—TUESDAY, APRIL 9, 2019

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FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 456	HB 265-Taylor
HB 278-Andrews	HB 332-Lynch
HCS for HB 604	HCS for HB 266
HCS for HB 703	HCS for HB 168
HB 124-DeGroot	HB 272-Shaul
HCS#2 for HB 462	HCS#2 for HB 374
HB 973-Trent	HCS for HB 160
HCS for HB 959	HB 723-Pike
HB 355-Plocher	HB 898-Walsh
HRB 1-Shaul	HB 841-Ruth
HCS for HB 982	HB 831-Sharpe
HB 628-Lavender	HB 815-Black (137)
HB 1029-Bondon	HB 575-Dohrman
HCS for HB 762	HB 485-Dogan
HCS for HB 1088	HCS for HB 559
HCS for HB 824	HB 728-Billington
HCS for HB 739	HCS for HB 269
HCS for HBs 812 & 832	HB 501-Grier
HCS#2 for HB 626	HCS for HB 229
HCS#2 for HB 352	HCS for HB 346
HB 715-Lynch	HCS for HB 700
HCS for HB 400	HB 761-Pfautsch
HB 563-Wiemann	HB 584-Knight
HB 1061-Patterson	

## THIRD READING OF SENATE BILLS

SS for SB 218-Hoskins (In Fiscal Oversight)

SCS for SB 330-Brown

## SENATE BILLS FOR PERFECTION

- |                               |                                  |
|-------------------------------|----------------------------------|
| 1. SB 514-Sater               | 13. SB 208-Wallingford           |
| 2. SB 430-Libla               | 14. SB 189-Crawford, with SCS    |
| 3. SB 186-Hegeman             | 15. SB 385-Bernskoetter          |
| 4. SB 302-Wallingford         | 16. SB 409-Wieland, et al        |
| 5. SB 347-Burlison            | 17. SB 437-Hoskins               |
| 6. SB 439-Brown               | 18. SB 286-Hough                 |
| 7. SB 303-Riddle, with SCS    | 19. SB 325-Crawford, with SCS    |
| 8. SB 376-Riddle              | 20. SBs 8 & 74-Emery, with SCS   |
| 9. SB 82-Cunningham, with SCS | 21. SB 386-O'Laughlin, with SCS  |
| 10. SB 161-Cunningham         | 22. SB 272-Emery, with SCS       |
| 11. SB 144-Burlison, with SCS | 23. SB 265-Luetkemeyer, with SCS |
| 12. SJR 20-Koenig, with SCS   |                                  |

## HOUSE BILLS ON THIRD READING

HB 188-Rehder (Luetkemeyer)

HB 612-Coleman

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

- |   |  |
|---|--|
| SB 1-Curls and Nasheed, with SCS            | SB 34-Riddle, with SCS                   |
| SB 3-Curls                                  | SB 37-Onder and Nasheed, with SCS        |
| SB 4-Sater                                  | SB 39-Onder                              |
| SB 5-Sater, et al, with SCS                 | SB 44-Hoskins, with SCS & SS#3 for SCS   |
| SB 10-Cunningham, with SCS & SA 1 (pending) | (pending)                                |
| SB 11-Cunningham                            | SBs 46 & 50-Koenig, with SCS, SS for SCS |
| SB 14-Wallingford                           | & SA 6 (pending)                         |
| SB 16-Romine, with SCS, SS for SCS, SA 3    | SB 49-Rowden, with SCS                   |
| & point of order (pending)                  | SB 52-Eigel, with SCS                    |
| SB 19-Libla, with SA 1 (pending)            | SB 56-Cierpiot, with SCS, SS for SCS &   |
| SB 29-Hegeman, with SCS                     | SA 1 (pending)                           |
| SB 31-Wieland                               | SB 57-Cierpiot                           |

SB 60-Arthur, with SCS	SB 276-Rowden, with SCS
SB 62-Burlison, with SCS	SB 278-Wallingford, with SCS
SB 65-White, with SS (pending)	SBs 279, 139 & 345-Onder and Emery, with SCS
SB 69-Hough	SB 282-Brown
SBs 70 & 128-Hough, with SCS	SB 292-Eigel, with SCS & SS#2 for SCS (pending)
SB 76-Sater, with SCS (pending)	SB 293-Hough, with SCS
SB 78-Sater	SB 296-Cierpiot, with SCS
SB 88-Libla	SB 298-White, with SCS
SB 97-Hegeman, with SCS	SB 300-Eigel
SB 100-Riddle	SB 312-Eigel
SB 118-Cierpiot, with SCS	SB 316-Burlison
SB 132-Emery, with SCS	SB 318-Burlison
SB 141-Koenig	SB 328-Burlison, with SCS
SB 150-Koenig, with SCS	SB 332-Brown
SBs 153 & 117-Sifton, with SCS	SB 333-Rizzo
SB 154-Luetkemeyer, with SS & SA 2 (pending)	SB 336-Schupp
SB 155-Luetkemeyer	SB 343-Eigel, with SCS
SB 160-Koenig, with SCS, SS for SCS & SA 2 (pending)	SB 344-Eigel, with SCS
SB 168-Wallingford, with SCS	SB 349-O'Laughlin, with SCS
SB 184-Wallingford, with SCS	SB 350-O'Laughlin
SB 201-Romine	SB 354-Cierpiot, with SCS
SB 203-Nasheed, with SCS	SB 363-Riddle, with SCS
SB 205-Arthur, with SCS	SB 391-Bernskoetter
SB 210-May	SB 412-Holsman
SB 211-Wallingford	SB 414-Wieland
SB 222-Hough	SB 426-Williams
SB 224-Luetkemeyer, with SS#2 (pending)	SB 431-Schatz, with SCS
SB 225-Curls	SB 465-Burlison, with SCS
SB 234-White	SJR 1-Sater and Onder
SB 252-Wieland, with SCS	SJR 13-Holsman, with SCS
SB 255-Bernskoetter	SJR 14 & 9-Luetkemeyer, with SCS
SB 259-Romine	SJR 18-Cunningham

## CONSENT CALENDAR

House Bills

Reported 4/4

HB 182-Shull (Crawford)

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

## In Conference

HCS for HB 14, with SCS (Hegeman)

## RESOLUTIONS

SR 20-Holsman

## Reported from Committee

SCR 1-Walsh

SCR 8-Holsman

SCR 13-Emery

SCR 14-Schatz

SCR 15-Burlison

SCR 19-Eigel

## To be Referred

SCR 25-Rizzo

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# Journal of the Senate

## FIRST REGULAR SESSION

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**FORTY-EIGHTH DAY—TUESDAY, APRIL 9, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“I have heard of you by the hearing of the ear, but now my eye sees you.” (Job 42:5)

Gracious God, as we are disciplined and tested in the crucible of life we experience the blessing of every believing child of You, our God. We believe we can never sufficiently thank You for the gift of eyes to see the burden of our failures yet see also the beauty of the opportunities You set before us. Guide us by Your Spirit and let us see the wonders that unfold before us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

**Present—Senators**

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	White	Wieland	Williams—32			

**Absent—Senators—None**

**Absent with leave—Senators**

Curls                      Walsh—2

**Vacancies—None**

The Lieutenant Governor was present.

## **RESOLUTIONS**

Senator Libla offered Senate Resolution No. 593, regarding Katherine Wyman, Dexter, which was adopted.

Senator White offered Senate Resolution No. 594, regarding Destiny Giddens, Joplin, which was adopted.

Senator White offered Senate Resolution No. 595, regarding Maddie Barchak, Joplin, which was adopted.

Senator Cunningham offered Senate Resolution No. 596, regarding the Seventieth Wedding Anniversary of Eldon and Genelle Mahan, Gainsville, which was adopted.

Senator Eigel offered Senate Resolution No. 597, regarding Allison Kelley, which was adopted.

Senator May offered Senate Resolution No. 598, regarding Molly Roeder, which was adopted.

### CONCURRENT RESOLUTIONS

Senator Bernskoetter offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 26

Whereas, more than 82,000 United States service members remain unaccounted for from World War II, the Korean War, the Vietnam War, and the Cold War, of which 2,297 are Missourians; and

Whereas, for over seventy years the families of those missing have been deprived of the peace that comes with laying to rest the remains of a loved one or at least knowing that loved one's fate; and

Whereas, the basic principle of national honor in the Armed Forces of the United States of America is that the United States leaves no one behind; and

Whereas, the United States has an obligation to the missing and to their families to enforce this principle and provide information and answers; and

Whereas, in 1993, the United States Senate Select Committee on POW/MIA Affairs noted in its final report that declassifying the records related to POWs and MIAs could have eliminated much of the controversy and unnecessary secrecy surrounding the United States government's handling of the POW/MIA issues, which bred suspicion and distrust; and

Whereas, federal statutes and multiple presidential executive orders have called for the declassification of records relating to POWs and MIAs, but such mandates have been limited in scope, lacked enforcement mechanisms, and included broad exceptions that have been routinely cited by federal agencies as justification for continued classification of documents; and

Whereas, all government agencies should be directed by Congress and the Executive Branch of the United States to identify, locate, review, and declassify this vital information, subject to reasonable standards and limitations; and

Whereas, declassification and availability of these records would allow families of the missing and others in the private sector to conduct research, gain relevant information, and, thereby, hold the federal government accountable; and

Whereas, the governments of Vietnam and the Republic of Korea are now offering increased support to the United States POW/MIA recovery efforts, and diplomatic efforts with other involved countries continue; and

Whereas, the "Bring Our Heroes Home Act", which will be introduced in the United States Senate, sets forth an integrated process for comprehensive declassification of records pertaining to missing Armed Forces personnel records, subject to legitimate limitations and exceptions:

Now Therefore Be It Resolved that the members of the Missouri Senate, One Hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby call on the Missouri members of the United States Senate to support and contribute to the early consideration and passage of the "Bring Our Heroes Home Act"; and

Be It Further Resolved that the members of the Missouri General Assembly, hereby call on all members of the Missouri Congressional delegation to lend their influence to the cause of resolving the cases of all Missourians who remain unaccounted for from past conflicts; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional delegation.

### SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 77**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

**HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCS for HB 456**—Education.

**HB 278**—Small Business and Industry.

**HCS for HB 604**—Education.

**HCS for HB 703**—Ways and Means.

**HB 124**—Judiciary and Civil and Criminal Jurisprudence.

**HCS No. 2 for HB 462**—Education.

**HB 973**—Rules, Joint Rules, Resolutions and Ethics.

**HCS for HB 959**—Small Business and Industry.

**HB 355**—Commerce, Consumer Protection, Energy and the Environment.

**HRB 1**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 982**—Transportation, Infrastructure and Public Safety.

**HB 628**—Health and Pensions.

**HB 1029**—Insurance and Banking.

**HCS for HB 762**—Local Government and Elections.

**HCS for HB 1088**—Government Reform.

**HCS for HB 824**—Agriculture, Food Production and Outdoor Resources.

**HCS for HB 739**—Education.

**HCS for HBs 812 & 832**—Transportation, Infrastructure and Public Safety.

**HCS No. 2 for HB 626**—Transportation, Infrastructure and Public Safety.

**HCS No. 2 for HB 352**—Judiciary and Civil and Criminal Jurisprudence.

**HB 715**—Veterans and Military Affairs.

**HCS for HB 400**—Veterans and Military Affairs.

**HB 563**—Health and Pensions.

**HB 1061**—Economic Development.

**HB 265**—General Laws.

**HB 332**—Small Business and Industry.

**HCS for HB 266**—Small Business and Industry.

**HCS for HB 168**—Health and Pensions.



**HB 272**—Small Business and Industry.

**HCS No. 2** for **HB 374**—Ways and Means.

**HCS** for **HB 160**—Commerce, Consumer Protection, Energy and the Environment.

**HB 723**—Health and Pensions.

**HB 898**—Transportation, Infrastructure and Public Safety.

**HB 841**—Health and Pensions.

**HB 831**—Transportation, Infrastructure and Public Safety.

**HB 815**—Insurance and Banking.

**HB 575**—Transportation, Infrastructure and Public Safety.

**HB 485**—Government Reform.

**HCS** for **HB 559**—Agriculture, Food Production and Outdoor Resources.

**HB 728**—Judiciary and Civil and Criminal Jurisprudence.

**HCS** for **HB 269**—Local Government and Elections.

**HB 501**—General Laws.

**HCS** for **HB 229**—Seniors, Families and Children.

**HCS** for **HB 346**—Veterans and Military Affairs.

**HCS** for **HB 700**—Judiciary and Civil and Criminal Jurisprudence.

**HB 761**—Local Government and Elections.

**HB 584**—Transportation, Infrastructure and Public Safety.

### **REFERRALS**

President Pro Tem Schatz referred **HB 188** to the Committee on Fiscal Oversight.

President Pro Tem Schatz referred **SCR 25** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **SENATE BILLS FOR PERFECTION**

Senator Holsman moved that **SJR 13**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SJR 13**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 13**

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 3, 5, 7, 8, 9, 16, and 19 of article III of the Constitution of Missouri, and adopting seven new sections in lieu

thereof relating to members of the general assembly.

Was taken up.

Senator Holsman moved that **SCS** for **SJR 13** be adopted.

Senator Holsman offered **SS** for **SCS** for **SJR 13**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE JOINT RESOLUTION NO. 13

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 3, 7, 8, 9, 16, and 19 of article III of the Constitution of Missouri, and adopting six new sections in lieu thereof relating to members of the general assembly.

Senator Holsman moved that **SS** for **SCS** for **SJR 13** be adopted.

Senator Bernskoetter assumed the Chair.

Senator Onder offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 13, Page 1, In the Title, Line 6, by striking “members of”; and

Further amend said bill and page, section A, line 10 of said page, by inserting after all of said line the following:

“Section 2. (a) After December 6, 2018, no person serving as a member of or employed by the general assembly shall act or serve as a paid lobbyist, register as a paid lobbyist, or solicit prospective employers or clients to represent as a paid lobbyist during the time of such service until the expiration of two calendar years after the conclusion of the session of the general assembly in which the member or employee last served and where such service was after December 6, 2018.

(b) No person serving as a member of or employed by the general assembly shall accept directly or indirectly a gift of any tangible or intangible item, service, or thing of value from any paid lobbyist or lobbyist principal [in excess of five dollars per occurrence]. This Article shall not prevent candidates for the general assembly, including candidates for reelection, or candidates for offices within the senate or house from accepting campaign contributions consistent with this Article and applicable campaign finance law. Nothing in this section shall prevent individuals from receiving gifts, family support or anything of value from those related to them within the fourth degree by blood or marriage. [The dollar limitations of this section shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency, and rounded to the nearest dollar amount.]

(c) The general assembly shall make no law authorizing unlimited campaign contributions to candidates for the general assembly, nor any law that circumvents the contribution limits contained in this Constitution. In addition to other campaign contribution limitations or restrictions provided for by law, the amount of contributions made to or accepted by any candidate or candidate committee from any person other than the

candidate in any one election for the general assembly shall not exceed the following:

- (1) To elect an individual to the office of state senator, two thousand five hundred dollars; and
- (2) To elect an individual to the office of state representative, two thousand dollars.

The contribution limits and other restrictions of this section shall also apply to any person exploring a candidacy for a public office listed in this subsection.

For purposes of this subsection, “base year amount” shall be the contribution limits prescribed in this section. Contribution limits set forth herein shall be adjusted on the first day of January in each even-numbered year hereafter by multiplying the base year amount by the cumulative Consumer Price Index and rounded to the nearest dollar amount, for all years after 2018.

(d) No contribution to a candidate for legislative office shall be made or accepted, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to, or with the intent to, conceal the identity of the actual source of the contribution. There shall be a rebuttable presumption that a contribution to a candidate for public office is made or accepted with the intent to circumvent the limitations on contributions imposed in this section when a contribution is received from a committee or organization that is primarily funded by a single person, individual, or other committee that has already reached its contribution limit under any law relating to contribution limitations. A committee or organization shall be deemed to be primarily funded by a single person, individual, or other committee when the committee or organization receives more than fifty percent of its annual funding from that single person, individual, or other committee.

(e) In no circumstance shall a candidate be found to have violated limits on acceptance of contributions if the Missouri ethics commission, its successor agency, or a court determines that a candidate has taken no action to indicate acceptance of or acquiescence to the making of an expenditure that is deemed a contribution pursuant to this section.

(f) No candidate shall accept contributions from any federal political action committee unless the committee has filed the same financial disclosure reports that would be required of a Missouri political action committee.”; and

Further amend said bill and page, section 3, line 11 of said page, by inserting immediately before the word “There” an opening bracket “[”]; and

Further amend said bill and section, page 3, line 6 of said page, by inserting immediately after “(c)” the following: “[ **The districts of the house of representatives shall be apportioned by an Independent Citizens Redistricting Commission.**”]; and further amend line 9 of said page, by striking “(1)” and inserting in lieu thereof the following: “**(b) Within sixty days after the population of this state is reported to the President for each decennial census of the United States and, in the event that a reapportionment plan has been invalidated by a court of competent jurisdiction, within sixty days after notification by the governor that such a ruling has been made, the congressional district committee of each of the two parties casting the highest vote for governor at the last preceding election shall meet and the members of the committee shall nominate, by a majority vote of the members of the committee present, provided that a majority of the elected members is present, two members of their party, residents in that district, as nominees for reapportionment commissioners. Neither party shall select more than one nominee from any one state house of representatives district. The congressional committees shall**

each submit to the governor their list of elected nominees. Within thirty days the governor shall appoint a commission consisting of one name from each list to reapportion the state into one hundred and sixty-three representative districts and to establish the numbers and boundaries of said districts.

(c) If either of the congressional district committees fails to submit a list within such time the governor shall appoint a member of his own choice from that district and from the political party of the committee failing to make the appointment.

(d) Members of the commission and any person related to any member by the fourth degree by blood or marriage shall be disqualified from holding office as members of the general assembly for four years following the date of the filing by the commission of its final statement of apportionment.

(e) For the purposes of this article, the term congressional district committee refers to the congressional district committee or the congressional district from which a member of congress was last elected, or, in the event members of congress from this state have been elected at large, the term congressional district committee refers to those persons who last served as the congressional district committee for those districts from which members of congress were last elected. Any action pursuant to this section by the congressional district committee shall take place only at duly called meetings, shall be recorded in their official minutes, and only members physically present shall be permitted to vote.

(f) The commissioners so selected shall, on the fifteenth day, excluding Sundays and state holidays, after all members have been selected, meet in the capitol building and proceed to organize by electing from their number a chairman, vice chairman, and secretary and shall adopt an agenda establishing at least three hearing dates on which hearings open to the public shall be held. A copy of the agenda shall be filed with the chief clerk of the house of representatives within twenty-four hours after its adoption. Executive meetings may be scheduled and held as often as the commission deems advisable.

(g)”; and further amend lines 13-14 of said page, by striking “nonpartisan state demographer” and inserting in lieu thereof the following: “**commission**”; and further amend lines 17-18 of said page, by striking all of said lines and inserting in lieu thereof the following:

“a. Districts shall:

i. Be established on the basis of total population[. Legislative Districts shall];

ii. Each have a total”; and further amend line 22 of said page, by inserting immediately after said line the following:

“iii. Consist of contiguous territory; and

iv. To the extent possible, keep together communities of interest, including but not limited to cities and counties. Areas which meet only at the points of adjoining corners shall not be considered contiguous;”; and

Further amend said bill and section, page 4, line 5 of said page, by inserting immediately before the word “Districts” the following: “c.”; and further amend line 12 of said page, by inserting immediately before the word “To” an opening bracket “[”]; and

Further amend said bill and section, page 6, lines 23-25 of said page, by striking all of the opening brackets “[”, the closing brackets “]”, and underlined language from said lines; and

Further amend said bill and section, page 8, line 24 of said page, by inserting at the end of said line a closing bracket “]”; and further amend line 25 of said page, by inserting immediately before the word “Each” the following:

**“(h) Not later than five months after the appointment of the member of the commission, the commission shall file with the secretary of state a tentative plan of apportionment and map of the proposed districts and during the ensuing fifteen days shall hold such public hearings as may be necessary to hear objections or testimony of interested persons.**

**(i) Not later than six months after the appointment of the commission, the commission shall file with the secretary of state a final statement of the numbers and the boundaries of the districts together with a map of the districts, provided that no statement shall be valid unless approved by at least seven-tenths of the members.**

**(j) After the statement is filed with the secretary of state, members of the house of representatives shall be elected according to such districts until a reapportionment plan is made as provided in this section, except that if the statement is not filed within six months of the time fixed for the appointment of the commission, it shall stand discharged and the house of representatives shall be apportioned by a commission of six members appointed from among the judges of the appellate courts of the state of Missouri by the state supreme court, a majority of whom shall sign and file its apportionment plan and map with the secretary of state within ninety days of the date of the discharge of the apportionment commission. Thereafter members of the house of representatives shall be elected according to such districts until a reapportionment is made as provided in this section.**

**(k)”; and**

Further amend said bill and section, page 9, line 2 of said page, by inserting immediately before the word “No” the following: **“(l)”; and**

Further amend said bill and page, section 7, line 3 of said page, by inserting immediately after “(a)” an opening bracket “[”; and further amend line 23 of said page, by striking the opening bracket “[” and the closing bracket “]” from said line; and

Further amend said bill and section, page 10, lines 27-28 of said page, by striking the opening bracket “[” and the closing bracket “]” from said lines; and

Further amend said bill and section, page 11, line 8 of said page, by inserting immediately after “districts.” the following: **“] Legislative districts shall be apportioned by an Independent Citizens Redistricting Commission. Within sixty days after the population of this state is reported to the President for each decennial census of the United States, and in the event that a reapportionment plan has been invalidated by a court of competent jurisdiction, within sixty days after notification by the governor that such a ruling has been made, the state committee of each of the two political parties casting the highest vote for governor at the last preceding election shall, at a committee meeting duly called, select by a vote of the individual committee members, and thereafter submit to the governor a list of ten persons, and within thirty days thereafter the governor shall appoint a commission of ten members, five from each list, to reapportion the thirty-four senatorial districts and to establish the numbers and boundaries of said districts.**

**(b) If either of the party committees fails to submit a list within such time, the governor shall**

appoint five members of his own choice from the party of the committee so failing to act.

(c) Members of the commission and any person related to any member by the fourth degree by blood or marriage shall be disqualified from holding office as members of the general assembly for four years following the date of the filing by the commission of its final statement of apportionment.

(d) The commissioners so selected shall on the fifteenth day, excluding Sundays and state holidays, after all members have been selected, meet in the capitol building and proceed to organize by electing from their number a chairman, vice chairman, and secretary and shall adopt an agenda establishing at least three hearing dates on which hearings open to the public shall be held. A copy of the agenda shall be filed with the secretary of the senate within twenty-four hours after its adoption. Executive meetings may be scheduled and held as often as the commission deems advisable.

(e) Within ten days after the population of this state is reported to the President for each decennial census of the United States or, in the event that a reapportionment has been invalidated by a court of competent jurisdiction, within ten days after such a ruling has been made, the commission shall begin the preparation of legislative districting plans and maps using the following methods, listed in order of priority:

(1) Districts shall:

a. Be established on the basis of total population;

b. Each have a total population as nearly equal as practicable to the ideal population for such districts, determined by dividing the total population of the state reported in the federal decennial census by thirty-four; provided that, no county lines shall be crossed except when necessary to add sufficient population to a multi-district county or city to complete only one district which lies partly within such multi-district county or city so as to be as nearly equal as practicable in population and any county with a population in excess of the quotient obtained by dividing the population of the state by the number thirty-four is hereby declared to be a multi-district county;

c. Consist of contiguous territory; and

d. To the extent possible, keep together communities of interest, including but not limited to cities and counties. Areas which meet only at the points of adjoining corners are not contiguous;

(2) Districts shall be established in a manner so as to comply with all requirements of the United States Constitution and applicable federal laws, including, but not limited to, the Voting Rights Act of 1965, as amended. Notwithstanding any other provision of this article to the contrary, districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or diminishing their ability to elect representatives of their choice, whether by themselves or by voting in concert with other persons;

(3) Districts shall be designed in a manner that achieves both partisan fairness and, secondarily, competitiveness. “Partisan fairness” means that parties shall be able to translate their popular support into legislative representation with approximately equal efficiency. “Competitiveness” means that parties’ legislative representation shall be substantially and similarly responsive to shifts in the electorate’s preferences.

(f) Not later than five months after the appointment of the commission, the commission shall file

with the secretary of state a tentative plan of apportionment and map of the proposed districts and during the ensuing fifteen days shall hold such public hearings as may be necessary to hear objections or testimony of interested persons.

(g) Not later than six months after the appointment of the commission, the commission shall file with the secretary of state a final statement of the numbers and the boundaries of the districts together with a map of the districts, and no statement shall be valid unless approved by at least seven members.

(h) After the statement is filed senators shall be elected according to such districts until a reapportionment is made as provided in this section, except that if the statement is not filed within six months of the time fixed for the appointment of the commission, it shall stand discharged and the legislative districts shall be apportioned by a commission of six members appointed from among the judges of the appellate courts of the state of Missouri by the state supreme court, a majority of whom shall sign and file its apportionment plan and map with the secretary of state within ninety days of the date of the discharge of the apportionment commission. Thereafter senators shall be elected according to such districts until a reapportionment is made as provided in this section.; and further amend line 9 of said page, by inserting immediately before the word “Each” the following: “(i)”; and further amend line 14 of said page, by inserting immediately before the word “No” the following: “(j)”; and

Further amend said bill, page 14, section 19, line 23 of said page, by striking the word “and”; and further amend line 25 of said page, by inserting immediately after the word “assembly” the following: “; and

**iv. Records of members of the general assembly that include personally identifiable information of Missouri residents”;** and

Further amend the title and enacting clause accordingly.

Senator Onder moved that the above amendment be adopted.

Senator Onder requested a roll call vote be taken on the adoption of **SA 1**. He was joined in his request by Senators Crawford, Cunningham, Emery and White.

At the request of Senator Holsman, **SJR 13**, with **SCS, SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Luetkemeyer moved that **SJR 14** and **SJR 9**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SJR 14** and **9**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE JOINT RESOLUTION NOS. 14 and 9

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VII of the Constitution of Missouri, by adding thereto one new section relating to the limitation of terms served by certain elected officers.

Was taken up.

Senator Luetkemeyer moved that **SCS** for **SJR 14** and **9** be adopted.

Senator Luetkemeyer offered **SS** for **SCS** for **SJR 14** and **9**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE JOINT RESOLUTION NOS. 14 & 9

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VII of the Constitution of Missouri, by adding thereto one new section relating to the limitation of terms served by certain elected officers.

Senator Luetkemeyer moved that **SS** for **SCS** for **SJR**s **14** and **9** be adopted.

President Kehoe assumed the Chair.

Senator Luetkemeyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Joint Resolution Nos. 14 & 9, Page 2, Section 15, Lines 4-5, by striking all of said lines and inserting in lieu thereof the following: **“17 that relate to term limitations, provided that service in the offices of governor or state treasurer resulting from an election or”**.

Senator Luetkemeyer moved that the above amendment be adopted, which motion prevailed.

Senator Luetkemeyer moved that **SS** for **SCS** for **SJR**s **14** and **9**, as amended, be adopted, which motion prevailed.

On motion of Senator Luetkemeyer, **SS** for **SCS** for **SJR**s **14** and **9**, as amended, was declared perfected and ordered printed.

Senator Rowden requested unanimous consent of the Senate to go to the Order of Business of Concurrent Resolutions.

Senator Eigel rose to object.

Senator Rowden moved that the Senate go to the Order of Business of Concurrent Resolutions, which motion prevailed.

**SCR 14**, introduced by Senator Schatz, entitled:

Relating to transportation bonds.

Was taken up.

Senator Schatz offered **SS** for **SCR 14**, entitled:

SENATE SUBSTITUTE FOR  
SENATE CONCURRENT RESOLUTION NO. 14

Relating to transportation bonds.

Whereas, the General Assembly recognizes the need for the repair of bridges on the state highway system that are contained in the Highways and Transportation Commission's Statewide Transportation Improvement Program for years 2020 to 2023; and

Whereas, pursuant to Article IV, Section 30(b) of the Missouri Constitution, the Highways and Transportation Commission is authorized to issue state road bonds to fund the construction and reconstruction of the state highway system; and

Whereas, the General Assembly desires that the Highways and Transportation Commission issue state road bonds to finance the planning, designing, construction, reconstruction, rehabilitation, and significant repair of two hundred fifty bridges on the state highway system that are



contained in the Statewide Transportation Improvement Program for 2020 to 2023; and

Whereas, the General Assembly wishes to assist the Highways and Transportation Commission by providing funds as first recourse for payment of the debt service for such bonds from General Revenue Fund revenues to the State Road Fund:

Now Therefore Be It Resolved that the members of the Missouri Senate, One-hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby support the following:

1. The planning, designing, construction, reconstruction, rehabilitation, and significant repair of two hundred fifty bridges on the state highway system as selected by the Highways and Transportation Commission and included in the Commission's latest approved Statewide Transportation Improvement Program for years 2020 to 2023;

2. The total estimated project costs for two hundred fifty bridges, not to exceed three hundred fifty-one million dollars; and

3. The issuance of Highways and Transportation Commission state road bonds in an amount sufficient to pay such project costs, plus costs of issuance, with such bonds to be payable over a term not to exceed seven years; and

Be It Further Resolved that the members of the General Assembly support the following:

1. That the debt service for such state road bonds issued by the Highways and Transportation Commission shall be payable from future appropriations to be made by the General Assembly of General Revenue Fund revenues to the State Road Fund in an amount not to exceed fifty-four million dollars per year; and

2. Pursuant to Article IV, Section 28 of the Missouri Constitution, this resolution shall not bind future General Assemblies to make any appropriation for this purpose, although it is the present intent of the General Assembly that during each of the fiscal years of the state in which the term of such state road bonds remain outstanding, General Revenue Fund revenues be appropriated to the State Road Fund in an amount sufficient to pay the debt service on such bonds; and

Be It Further Resolved that the members of the Missouri General Assembly authorize and direct the Office of Administration and such other state departments, offices, and agencies as the Office of Administration may deem necessary or appropriate to:

1. Assist the members, staff, consultants, and advisors of the Highways and Transportation Commission in issuing such state road bonds; and

2. Execute and deliver a financing agreement with the Highways and Transportation Commission to provide funds appropriated on an annual basis from General Revenue Fund revenues to the State Road Fund for payment of the debt service on such bonds and such other documents and certificates related to such bonds as are consistent with the terms of this concurrent resolution; and

Be It Further Resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Senator Schatz moved that **SS** for **SCR 14** be adopted.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

Senator Rowden assumed the Chair.

Senator Hegeman assumed the Chair.

President Kehoe assumed the Chair.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

At the request of Senator Schatz, **SCR 14**, with **SS** (pending), was placed on the Informal Calendar.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 6**, entitled:

HOUSE CONCURRENT RESOLUTION NO. 6  
Relating to Victims of Communism Memorial Day.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, the year 2017 marked 100 years since the Bolshevik Revolution in Russia resulting in the world's first communist regime

under Vladimir Lenin, which led to decades of oppression and violence under communist regimes throughout the world; and

WHEREAS, based on the philosophy of Karl Marx, communism has proven incompatible with the ideals of liberty, prosperity, and dignity of human life and has given rise to such infamous totalitarian dictators as Joseph Stalin, Mao Zedong, Ho Chi Minh, Pol Pot, Nicolae Ceausescu, the Castro brothers, and the Kim dynasty; and

WHEREAS, President Donald Trump declared November 7, 2017, a National Day for the Victims of Communism, condemning communism as a political philosophy “incompatible with liberty, prosperity, and the dignity of human life;” and

WHEREAS, the bipartisan U.S. Congressional Caucus for the Victims of Communism stated publicly in 2018 that “Marx’s defenders often say he cannot be held accountable for what communist regimes did long after his life and death; but Marxist dictators who massacred their own people were applying communist ideology to political practice,” and

WHEREAS, communist regimes worldwide have killed more than 100 million people and subjected countless others to the worst and widest-spread human rights abuses known to history, with victims representing many different ethnicities, creeds, and backgrounds; and

WHEREAS, through false promises of equality and liberation, communist regimes have as a matter of government policy robbed their own citizens of the rights of freedom of religion, freedom of speech, and freedom of association through coercion, brutality, and fear; and

WHEREAS, many victims of communism were persecuted as political prisoners for speaking out against these regimes, and others were killed in genocidal state-sponsored purges; and

WHEREAS, in addition to violating basic human rights, communist regimes have suppressed freedom of conscience, cultural life, and self-determination movements in more than 40 nations; and

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the One Hundredth General Assembly, First Regular Session, the Senate concurring therein, hereby designate November 7 of each year as Victims of Communism Memorial Day; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Victims of Communism Memorial Foundation; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## **REPORTS OF STANDING COMMITTEES**

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred SS for SCS for **SJR**s 14 and 9, begs leave to report that it has examined the same and finds that the joint resolution has been truly perfected and that the printed copies furnished the Senators are correct.

## **RESOLUTIONS**

Senator Bernskoetter offered Senate Resolution No. 599, regarding Pamela Lynn Warman, Jefferson City, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 600, regarding William E. McAnany Jr., Jefferson City, which was adopted.

Senator Cierpiot offered Senate Resolution No. 601, regarding Benjamin Rao, which was adopted.

Senator Cunningham offered Senate Resolution No. 602, regarding Brenda Day, Hartville, which was adopted.

Senator Cunningham offered Senate Resolution No. 603, regarding Dale Day, Hartville, which was adopted.

Senator Cunningham offered Senate Resolution No. 604, regarding Ronnie Harper, West Plains, which was adopted.

Senator Riddle offered Senate Resolution No. 605, regarding Larry Smith, Fulton, which was adopted.

### INTRODUCTIONS OF GUESTS

Senator Bernksoetter introduced to the Senate, Claire Lewis, Jefferson City.

Senator Crawford introduced to the Senate, Nathan Kennedy, Floyd Miller, Lizzie Miller and Ethan Smith, Buffalo; and Grace Erickson, Bolivar.

Senator Luetkemeyer introduced to the Senate, speech and debate students from Central High School, St. Joseph.

On behalf of Senator Curls, Senator Rizzo introduced to the Senate, teachers Ryan Walker, Ebony Rose and Charles Wood; and thirty-one students from Southeast High School, Kansas City.

The President introduced to the Senate, Paige Stanish, Honolulu, Hawaii.

Senator Schupp introduced to the Senate, Violet Marcel, and her son, Henry Marcel Hotfelder, England; and Henry was made an honorary page.

Senator Williams introduced to the Senate, Derek Winters and Jerry Kiske, St. Louis.

On motion of Senator Rowden, the Senate adjourned until 2:00 p.m., Wednesday, April 10, 2019.

### SENATE CALENDAR

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FORTY-NINTH DAY—WEDNESDAY, APRIL 10, 2019

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### FORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SS for SB 218-Hoskins (In Fiscal Oversight)  
SCS for SB 330-Brown

SS for SCS for SJRs 14 & 9-Luetkemeyer

### SENATE BILLS FOR PERFECTION

1. SB 514-Sater
2. SB 430-Libla
3. SB 186-Hegeman
4. SB 302-Wallingford

5. SB 347-Burlison
6. SB 439-Brown
7. SB 303-Riddle, with SCS
8. SB 376-Riddle

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|-------------------------------|----------------------------------|
| 9. SB 82-Cunningham, with SCS | 17. SB 437-Hoskins               |
| 10. SB 161-Cunningham         | 18. SB 286-Hough                 |
| 11. SB 144-Burlison, with SCS | 19. SB 325-Crawford, with SCS    |
| 12. SJR 20-Koenig, with SCS   | 20. SBs 8 & 74-Emery, with SCS   |
| 13. SB 208-Wallingford        | 21. SB 386-O'Laughlin, with SCS  |
| 14. SB 189-Crawford, with SCS | 22. SB 272-Emery, with SCS       |
| 15. SB 385-Bernskoetter       | 23. SB 265-Luetkemeyer, with SCS |
| 16. SB 409-Wieland, et al     |                                  |

#### HOUSE BILLS ON THIRD READING

HB 188-Rehder (Luetkemeyer) (In  
Fiscal Oversight)

HB 612-Coleman (97) (Crawford)

#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

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| SB 1-Curls and Nasheed, with SCS                                       | SB 52-Eigel, with SCS                                    |
| SB 3-Curls   | SB 56-Cierpiot, with SCS, SS for SCS &<br>SA 1 (pending) |
| SB 4-Sater   | SB 57-Cierpiot   |
| SB 5-Sater, et al, with SCS  | SB 60-Arthur, with SCS                                   |
| SB 10-Cunningham, with SCS &<br>SA 1 (pending)                         | SB 62-Burlison, with SCS                                 |
| SB 11-Cunningham   | SB 65-White, with SS (pending)                           |
| SB 14-Wallingford  | SB 69-Hough  |
| SB 16-Romine, with SCS, SS for SCS,<br>SA 3 & point of order (pending) | SBs 70 & 128-Hough, with SCS                             |
| SB 19-Libla, with SA 1 (pending)                                       | SB 76-Sater, with SCS (pending)                          |
| SB 29-Hegeman, with SCS  | SB 78-Sater  |
| SB 31-Wieland  | SB 88-Libla  |
| SB 34-Riddle, with SCS   | SB 97-Hegeman, with SCS                                  |
| SB 37-Onder and Nasheed, with SCS                                      | SB 100-Riddle  |
| SB 39-Onder  | SB 118-Cierpiot, with SCS                                |
| SB 44-Hoskins, with SCS &<br>SS#3 for SCS (pending)                    | SB 132-Emery, with SCS                                   |
| SBs 46 & 50-Koenig, with SCS,<br>SS for SCS & SA 6 (pending)           | SB 141-Koenig  |
| SB 49-Rowden, with SCS   | SB 150-Koenig, with SCS                                  |
|  | SBs 153 & 117-Sifton, with SCS                           |
|  | SB 154-Luetkemeyer, with SS &<br>SA 2 (pending)          |

SB 155-Luetkemeyer	SB 298-White, with SCS
SB 160-Koenig, with SCS, SS for SCS & SA 2 (pending)	SB 300-Eigel
SB 168-Wallingford, with SCS	SB 312-Eigel
SB 184-Wallingford, with SCS	SB 316-Burlison
SB 201-Romine	SB 318-Burlison
SB 203-Nasheed, with SCS	SB 328-Burlison, with SCS
SB 205-Arthur, with SCS	SB 332-Brown
SB 210-May	SB 333-Rizzo
SB 211-Wallingford	SB 336-Schupp
SB 222-Hough	SB 343-Eigel, with SCS
SB 224-Luetkemeyer, with SS#2 (pending)	SB 344-Eigel, with SCS
SB 225-Curls	SB 349-O'Laughlin, with SCS
SB 234-White	SB 350-O'Laughlin
SB 252-Wieland, with SCS	SB 354-Cierpiot, with SCS
SB 255-Bernskoetter	SB 363-Riddle, with SCS
SB 259-Romine	SB 391-Bernskoetter
SB 276-Rowden, with SCS	SB 412-Holsman
SB 278-Wallingford, with SCS	SB 414-Wieland
SBs 279, 139 & 345-Onder and Emery, with SCS	SB 426-Williams
SB 282-Brown	SB 431-Schatz, with SCS
SB 292-Eigel, with SCS & SS#2 for SCS (pending)	SB 465-Burlison, with SCS
SB 293-Hough, with SCS	SJR 1-Sater and Onder
SB 296-Cierpiot, with SCS	SJR 13-Holsman, with SCS, SS for SCS & SA 1 (pending)
	SJR 18-Cunningham

## CONSENT CALENDAR

House Bills

Reported 4/4

HB 182-Shull (Crawford)

## BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 14, with SCS (Hegeman)

RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 1-Walsh

SCR 8-Holsman

SCR 13-Emery

SCR 14-Schatz, with SS (pending)

SCR 15-Burlison

SCR 19-Eigel

To be Referred

SCR 26-Bernskoetter

HCR 6-Chipman

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# Journal of the Senate

## FIRST REGULAR SESSION

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**FORTY-NINTH DAY—WEDNESDAY, APRIL 10, 2019**

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The Senate met pursuant to adjournment.

Senator Luetkemeyer in the Chair.

Senator Williams offered the following prayer:

“Those of steadfast mind you keep in perfect peace - in peace because they trust in you.” (Isaiah 26:3)

Heavenly Father, we have confidence in You, our God knowing that all we have done the good and our failings are in Your forgiving, gracious hands. So we ask You to remove doubts and concerns that afflict our hearts and grant us the strength, joy and calm which You have promised, so we may better serve You and those You have given us to care for. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	White	Wieland	Williams—32			

Absent—Senators—None

Absent with leave—Senators

Curls Walsh—2

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Rowden offered Senate Resolution No. 606, regarding the Fiftieth Anniversary of Central Missouri Subcontracting Enterprises and CMSE Giving Gardens, which was adopted.

Senator May offered Senate Resolution No. 607, regarding the death of Charles Stephen Ryan, which was adopted.

Senator Cunningham offered Senate Resolution No. 608, regarding the 2018-2019 Class 2 State Champion Thayer High School Lady Bobcats Basketball team, which was adopted.

Senator Rizzo offered Senate Resolution No. 609, regarding Mikayla Dixon, which was adopted.

Senator Brown offered Senate Resolution No. 610, regarding Sojeong Lee, which was adopted.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR  
STATE OF MISSOURI

April 10, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David Michael Malecki, Republican, 25377 Highway AA, Edwards, Benton County, Missouri 65326, as the Southern District Commissioner of the Benton County Commission, for a term ending when his successor is duly elected or appointed and qualified; vice, Dale Jr. Estes, resigned.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR  
STATE OF MISSOURI

April 10, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David L. Smith, 1651 North Phillips Road, Nixa, Christian County, Missouri 65714, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, for a term ending September 30, 2020, and until his successor is duly appointed and qualified; vice, Kelley P. Cramm, resigned.

Respectfully submitted,  
Michael L. Parson  
Governor

President Pro Tem Schatz referred the above appointments to the Committee on Gubernatorial Appointments.

### **REFERRALS**

President Pro Tem Schatz referred **SCR 26** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Schatz referred **SS** for **SCS** for **SJR**s **14** and **9** to the Committee on Fiscal Oversight.

### **SECOND READING OF CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

**HCR 6**—Rules, Joint Rules, Resolutions and Ethics.



**SENATE BILLS FOR PERFECTION**

Senator Burlison moved that **SB 465**, with SCS, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 465**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 465

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to lease agreements for early childhood education programs, with an emergency clause.

Was taken up.

Senator Burlison moved that SCS for **SB 465** be adopted.

President Kehoe assumed the Chair.

Senator Burlison offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 465, Page 1, Section 162.703, Lines 7-9, by striking all of said lines and inserting in lieu thereof the following: **“entered into by a school district before March 2, 2015.”**.

Senator Burlison moved that the above amendment be adopted, which motion prevailed.

Senator Wallingford offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 465, Page 1, In the Title, Lines 2-3, by striking the following: “lease agreements for”; and further amend line 3, by inserting immediately after “clause” the following: “for a certain section”; and

Further amend said bill and page, section 162.703, line 10, by inserting immediately after said line the following:

“163.018. 1. (1) Notwithstanding the definition of “average daily attendance” in subdivision (2) of section 163.011 to the contrary, pupils between the ages of three and five who are eligible for free and reduced price lunch and attend an early childhood education program:

(a) That is operated by and in a district or by a charter school that has declared itself as a local educational agency providing full-day kindergarten and that meets standards established by the state board of education; **or**

(b) **That is under contract with a district or charter school that has declared itself as a local educational agency and that meets standards established by the state board of education**

shall be included in the district’s or charter school’s calculation of average daily attendance. The total number of such pupils included in the district’s or charter school’s calculation of average daily attendance

shall not exceed four percent of the total number of pupils who are eligible for free and reduced price lunch between the ages of five and eighteen who are included in the district's or charter school's calculation of average daily attendance.

(2) If a pupil described under subdivision (1) of this subsection leaves an early childhood education program during the school year, a district or charter school shall be allowed to fill the vacant enrollment spot with another pupil between the ages of three and five who is eligible for free and reduced price lunch without affecting the district's or charter school's calculation of average daily attendance.

**2. In establishing standards for any early childhood education program that is under contract with a district or charter school that has declared itself as a local educational agency, the state board of education shall consider:**

**(1) Whether a program offers full-day and full-year programming;**

**(2) Whether a program has teacher-to-child ratios consistent with reasonable standards set by early childhood education program accrediting agencies;**

**(3) Whether a program offers professional development supports for educators and the type of supports offered;**

**(4) Whether a program uses appropriately credentialed educators;**

**(5) Whether a program uses an early childhood education curriculum that has been approved by the department of elementary and secondary education and whether the curriculum is developmentally appropriate; and**

**(6) Any other factor that the state board of education determines to be significant in ensuring that children achieve high levels of kindergarten readiness.**

**The state board of education shall require that staff members of any early childhood education program that is under contract with a district or charter school that has declared itself as a local educational agency undergo background checks as described in section 168.133.**

**3. This section shall not require school attendance beyond that mandated under section 167.031 and shall not change or amend the provisions of sections 160.051, 160.053, 160.054, and 160.055 relating to kindergarten attendance.”; and**

Further amend said bill and page, section B, line 2, by striking “section A” and inserting in lieu thereof the following: “the enactment of section 162.703”; and further amend line 5, by striking “section A” and inserting in lieu thereof the following: “the enactment of section 162.703”; and

Further amend the title and enacting clause accordingly.

Senator Wallingford moved that the above amendment be adopted, which motion prevailed.

Senator Hegeman offered **SA 3**, which was read:

#### SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 465, Page 1, Section 162.703, Line 1, by inserting after “1.” the following: “**Subject to appropriations and**”.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator Burlison moved that SCS for **SB 465**, as amended, be adopted, which motion prevailed.

On motion of Senator Burlison, SCS for **SB 465**, as amended, was declared perfected and ordered printed.

Senator Brown moved that **SB 282** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Holsman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 282, Page 9, Section 194.119, Line 84, by inserting after all of said line the following:

“333.011. 1. As used in this chapter, unless the context requires otherwise, the following terms have the meanings indicated:

(1) “Board”, the state board of embalmers and funeral directors created by this chapter;

(2) **“Crematory”, the building or portion of a building which houses the cremation chamber and holding facility or an outdoor human cremation facility;**

(3) “Embalmer”, any individual licensed to engage in the practice of embalming;

[(3)] (4) “Funeral director”, any individual licensed to engage in the practice of funeral directing;

[(4)] (5) “Funeral establishment”, a building, place, crematory, or premises devoted to or used in the care and preparation for burial or transportation of the human dead and includes every building, place or premises maintained for that purpose or held out to the public by advertising or otherwise to be used for that purpose;

[(5)] (6) “Funeral merchandise”, caskets, grave vaults, receptacles, and other personal property incidental to the final disposition of a dead human body, including grave markers, monuments, tombstones, and urns;

[(6)] (7) **“Outdoor human cremation facility”, the facility or part of a facility that is outdoors where the technical heating process which reduces remains to bone fragments through heat and evaporation occurs;**

(8) “Person”, any individual, partnership, corporation, cooperative, association, or other entity;

[(7)] (9) “Practice of embalming”, the work of preserving, disinfecting and preparing by arterial embalming, including the chemical preparation of a dead human body for disposition. Practice of embalming includes all activities leading up to and including arterial and cavity embalming, including but not limited to raising of vessels and suturing of incisions of dead human bodies for funeral services, transportation, burial or cremation, or the holding of oneself out as being engaged in such work;

[(8)] (10) “Practice of funeral directing”, engaging by an individual in the business of preparing, otherwise than by embalming, for the burial, disposal or transportation out of this state of, and the directing and supervising of the burial or disposal of, dead human bodies or engaging in the general control,

supervision or management of the operations of a funeral establishment;

~~[(9)]~~ **(11)** “Preneed agent”, any person authorized to sell a preneed contract for or on behalf of a seller;

~~[(10)]~~ **(12)** “Provider”, the person designated or obligated to provide the final disposition, funeral, or burial services or facilities, or funeral merchandise described in a preneed contract;

~~[(11)]~~ **(13)** “Seller”, the person who executes a preneed contract with a purchaser and who is obligated under such preneed contract to remit payment to the provider.

2. All terms defined in sections 436.400 to 436.520 shall be deemed to have the same meaning when used in this chapter.

**333.072. 1. Only a licensed funeral director, or a person with a limited license for cremation set forth in section 333.042, shall perform a cremation at any funeral establishment, including an outdoor human cremation facility as set forth in rules promulgated by the board under this section.**

**2. The board is hereby authorized to promulgate rules and regulations for establishing and regulating outdoor human cremation facilities. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.”; and**

Further amend the title and enacting clause accordingly.

Senator Holsman moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham offered SA 2:

#### SENATE AMENDMENT NO. 2

Amend Senate Bill No. 282, Page 9, Section 194.119, Line 84, by inserting immediately after said line the following:

“194.265. 1. When a hospital refers an individual at or near death to a procurement organization, the organization shall make a reasonable search of any donor registry and other applicable records that it knows exist for the geographical area in which the individual resides to ascertain whether the individual has made an anatomical gift.

2. A procurement organization must be allowed reasonable access to information in the records of the department of health and senior services and department of revenue to ascertain whether an individual at or near death is a donor.

3. When a hospital refers an individual at or near death to a procurement organization, the organization may conduct any reasonable examination necessary to ensure the medical suitability of a part that is or could be the subject of an anatomical gift for transplantation, therapy, research, or education from a donor or a prospective donor. During the examination period, measures necessary to ensure the medical suitability of the part may not be withdrawn unless the hospital or procurement organization knows a contrary intent had or has been expressed by the individual or an agent of the individual, or if the individual is incapacitated

and he or she has no agent, knows a contrary intent has been expressed by any person listed in section 194.245 having priority to make an anatomical gift on behalf of the individual.

4. Unless prohibited by law other than sections 194.210 to 194.294, at any time after a donor's death, the person to which a part passes under section 194.255 may conduct any reasonable examination necessary to ensure the medical suitability of the body or part for its intended purpose.

5. Unless prohibited by law other than sections 194.210 to 194.294, an examination under subsection 3 or 4 of this section may include an examination of all medical records of the donor or prospective donor.

6. Upon the death of a minor who was a donor or had signed a refusal, unless a procurement organization knows the minor is emancipated, the procurement organization shall conduct a reasonable search for the parents of the minor and provide the parents with an opportunity to revoke or amend the anatomical gift or revoke a refusal.

7. Upon referral by a hospital under subsection 1 of this section, a procurement organization shall make a reasonable search for any person listed in section 194.245 having priority to make an anatomical gift on behalf of a prospective donor. If a procurement organization receives information that an anatomical gift to any other person was made, amended, or revoked, it shall promptly advise the other person of all relevant information.

8. Subject to subsection 9 of section 194.255 and section 58.785, the rights of the person to which a part passes under section 194.255 are superior to rights of all others with respect to the part. The person may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document of gift and this act, a person that accepts an anatomical gift of an entire body may allow embalming or cremation and use of remains in a funeral service. If the gift is of a part, the person to which the part passes under section 194.255, upon the death of the donor and before embalming, burial, or cremation, shall cause the part to be removed without unnecessary mutilation.

9. Neither the physician who attends the decedent immediately prior to or at death nor the physician who determines the time of the decedent's death may participate in the procedures for removing or transplanting a part from the decedent.

10. No physician who removes or transplants a part from the decedent, or a procurement organization, shall have primary responsibility for the health care treatment, or health care decision-making for such individual's terminal condition during the hospitalization for which the individual becomes a donor.

11. A physician or technician may remove a donated part from the body of a donor that the physician or technician is qualified to remove.

**12. When a hospital refers an individual at or near death to a procurement organization, the hospital shall notify the organization of any refusal to make an anatomical gift that has been expressed by the individual or agent of the individual or, if the individual is incapacitated and he or she has no agent, any refusal expressed by any person listed in section 194.245 having priority to make an anatomical gift on behalf of the individual that is known to the hospital or produced during a reasonable search under section 194.260. A procurement organization that has notice of a refusal to make an anatomical gift shall cease any ongoing examination of the individual for medical suitability and shall not make further contact with the individual, agent, or person having priority under section 194.245 regarding the anatomical gift.”; and**

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Brown, **SB 282**, as amended, was declared perfected and ordered printed.

Senator Riddle moved that **SB 363**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 363**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 363

An Act to repeal section 43.540, RSMo, and to enact in lieu thereof three new sections relating to background checks, with a penalty provision and an emergency clause.

Was taken up.

Senator Riddle moved that **SCS** for **SB 363** be adopted, which motion prevailed.

On motion of Senator Riddle, **SCS** for **SB 363**, was declared perfected and ordered printed.

Senator Riddle moved that **SB 34**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 34**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 34

An Act to repeal sections 58.095, 58.451, 58.720, and 193.145, RSMo, and to enact in lieu thereof six new sections relating to coroners.

Was taken up.

Senator Riddle moved that **SCS** for **SB 34** be adopted.

Senator Riddle offered **SS** for **SCS** for **SB 34**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 34

An Act to repeal sections 58.095, 58.451, 58.720, 193.145, and 193.265, RSMo, and to enact in lieu thereof seven new sections relating to coroners.

Senator Riddle moved that **SS** for **SCS** for **SB 34** be adopted, which motion prevailed.

On motion of Senator Riddle, **SS** for **SCS** for **SB 34**, was declared perfected and ordered printed.

Senator Wallingford moved that **SB 184**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 184**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 184

An Act to repeal sections 620.800, 620.803, 620.806, 620.809, and 620.2475, RSMo, and to enact in lieu thereof five new sections relating to job training.

Was taken up.

Senator Wallingford moved that **SCS for SB 184** be adopted, which motion prevailed.

On motion of Senator Wallingford, **SCS for SB 184**, was declared perfected and ordered printed.

Senator Libla moved that **SB 88** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Luetkemeyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 88, Page 2, Section 210.160, Line 21, by striking “prior to” and inserting in lieu thereof the following: “**within seven days following**”.

Senator Luetkemeyer moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Libla, **SB 88**, as amended, was placed on the Informal Calendar.

**INTRODUCTIONS OF GUESTS**

Senator Rowden introduced to the Senate, representatives of Leadership Missouri.

Senator Emery introduced to the Senate, Ted Ballenger, his wife, Sandy, and his son, Chris, Jefferson City.

Senator Cierpiot introduced to the Senate, Corrina Suddarth, and her son, Evan, Lee’s Summit; and Evan was made an honorary page.

Senator Cunningham introduced to the Senate, Leigh Ann McCann, Kathleen Wolf, Patricia Lamb and Donna Taylor, West Plains; and Samantha Banks, Houston, representatives of CASA.

Senator Brown introduced to the Senate, Taylor Schwartz, representative of CASA, Rolla.

On behalf of the Senator Luetkemeyer, the President introduced to the Senate, Mayor Bill McMurray, Bruce Woody, Brian Carter and Tamara Wagner, St. Joseph.

Senator Schatz introduced to the Senate, Lukas Krosley, Wildwood; and Lukas was made an honorary page.

Senator O’Laughlin introduced to the Senate, Robbi Shedron, Kirksville.

Senator Sifton introduced to the Senate, Leadership St. Louis Class of 2018-2019.

Senator Bernskoetter introduced to the Senate, Glenda Volmert and Stephanie Sachs, representatives of CASA, Union.

Senator Koenig introduced to the Senate, Asher and Katie Wilhelm, Jefferson City.

Senator Hoskins introduced to the Senate, representatives of the University of Central Missouri College Republicans, Warrensburg.

On behalf of Senator White and himself, the President introduced to the Senate, Shannon and Amber Lenker, and their son, River, Webb City.

On motion of Senator Rowden, the Senate adjourned under the rules.

## SENATE CALENDAR

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FIFTIETH DAY—THURSDAY, APRIL 11, 2019

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## FORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SS for SB 218-Hoskins (In Fiscal Oversight)  
SCS for SB 330-Brown

SS for SCS for SJRs 14 & 9-Luetkemeyer  
(In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

1. SB 514-Sater
2. SB 430-Libla
3. SB 186-Hegeman
4. SB 302-Wallingford
5. SB 347-Burlison
6. SB 439-Brown
7. SB 303-Riddle, with SCS
8. SB 376-Riddle
9. SB 82-Cunningham, with SCS
10. SB 161-Cunningham
11. SB 144-Burlison, with SCS
12. SJR 20-Koenig, with SCS

13. SB 208-Wallingford
14. SB 189-Crawford, with SCS
15. SB 385-Bernskoetter
16. SB 409-Wieland, et al
17. SB 437-Hoskins
18. SB 286-Hough
19. SB 325-Crawford, with SCS
20. SBs 8 & 74-Emery, with SCS
21. SB 386-O'Laughlin, with SCS
22. SB 272-Emery, with SCS
23. SB 265-Luetkemeyer, with SCS

### HOUSE BILLS ON THIRD READING

HB 188-Rehder (Luetkemeyer)  
(In Fiscal Oversight)

HB 612-Coleman (97) (Crawford)



## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 1-Curls and Nasheed, with SCS	SB 150-Koenig, with SCS
SB 3-Curls	SBs 153 & 117-Sifton, with SCS
SB 4-Sater	SB 154-Luetkemeyer, with SS & SA 2 (pending)
SB 5-Sater, et al, with SCS	SB 155-Luetkemeyer
SB 10-Cunningham, with SCS & SA 1 (pending)	SB 160-Koenig, with SCS, SS for SCS & SA 2 (pending)
SB 11-Cunningham	SB 168-Wallingford, with SCS
SB 14-Wallingford	SB 201-Romine
SB 16-Romine, with SCS, SS for SCS, SA 3 & point of order (pending)	SB 203-Nasheed, with SCS
SB 19-Libla, with SA 1 (pending)	SB 205-Arthur, with SCS
SB 29-Hegeman, with SCS	SB 210-May
SB 31-Wieland	SB 211-Wallingford
SB 37-Onder and Nasheed, with SCS	SB 222-Hough
SB 39-Onder	SB 224-Luetkemeyer, with SS#2 (pending)
SB 44-Hoskins, with SCS & SS#3 for SCS (pending)	SB 225-Curls
SBs 46 & 50-Koenig, with SCS, SS for SCS & SA 6 (pending)	SB 234-White
SB 49-Rowden, with SCS	SB 252-Wieland, with SCS
SB 52-Eigel, with SCS	SB 255-Bernskoetter
SB 56-Cierpiot, with SCS, SS for SCS & SA 1 (pending)	SB 259-Romine
SB 57-Cierpiot	SB 276-Rowden, with SCS
SB 60-Arthur, with SCS	SB 278-Wallingford, with SCS
SB 62-Burlison, with SCS	SBs 279, 139 & 345-Onder and Emery, with SCS
SB 65-White, with SS (pending)	SB 292-Eigel, with SCS & SS#2 for SCS (pending)
SB 69-Hough	SB 293-Hough, with SCS
SBs 70 & 128-Hough, with SCS	SB 296-Cierpiot, with SCS
SB 76-Sater, with SCS (pending)	SB 298-White, with SCS
SB 78-Sater	SB 300-Eigel
SB 88-Libla	SB 312-Eigel
SB 97-Hegeman, with SCS	SB 316-Burlison
SB 100-Riddle	SB 318-Burlison
SB 118-Cierpiot, with SCS	SB 328-Burlison, with SCS
SB 132-Emery, with SCS	SB 332-Brown
SB 141-Koenig	SB 333-Rizzo
	SB 336-Schupp

SB 343-Eigel, with SCS  
SB 344-Eigel, with SCS  
SB 349-O'Laughlin, with SCS  
SB 350-O'Laughlin  
SB 354-Cierpiot, with SCS  
SB 391-Bernskoetter  
SB 412-Holsman

SB 414-Wieland  
SB 426-Williams  
SB 431-Schatz, with SCS  
SJR 1-Sater and Onder  
SJR 13-Holsman, with SCS, SS for SCS &  
SA 1 (pending)  
SJR 18-Cunningham

### CONSENT CALENDAR

#### House Bills

Reported 4/4

HB 182-Shull (Crawford)

### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

#### In Conference

HCS for HB 14, with SCS (Hegeman)

### RESOLUTIONS

SR 20-Holsman

#### Reported from Committee

SCR 1-Walsh  
SCR 8-Holsman  
SCR 13-Emery

SCR 14-Schatz, with SS (pending)  
SCR 15-Burlison  
SCR 19-Eigel

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# Journal of the Senate

FIRST REGULAR SESSION

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**FIFTIETH DAY—THURSDAY, APRIL 11, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“Comfort, O comfort my people, says your God.” (Isaiah 40:1)

Loving God we hear Your words of care and comfort and need what You want to give. As we prepare to go home let us do so with the knowledge which only You can supply. May we rejoin those we love and be a comforting presence that brings joy and gladness and celebrate the gift of love and life with one another. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Rowden announced photographers from KOMU-8 News were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Brown	Burlison	Cierpiot	Crawford	Cunningham	Eigel
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
White	Wieland	Williams—31				

Absent—Senators—None

Absent with leave—Senators

Bernskoetter	Curls	Walsh—3
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Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Hegeman offered Senate Resolution No. 611, regarding the 2018-19 Division II Champion Northwest Missouri State University Men's Basketball Bearcats, which was adopted.

## REPORTS OF STANDING COMMITTEES

Senator Schatz, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Vernon Vito Bracy, Democrat and Victor B. Pasley, Independent, as members of the Lincoln University Board of Curators; and

Kevin C. Roberts, Democrat, as a member of the State Fair Commission.

Senator Schatz requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Schatz moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS for SB 465**, **SCS for SB 363**, **SB 282**, **SCS for SB 184** and **SS for SCS for SB 34**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

## REFERRALS

President Pro Tem Schatz referred **SCS for SB 465**, **SS for SCS for SB 34**, **SCS for SB 184** and **SB 282** to the Committee on Fiscal Oversight.

President Pro Tem Schatz assumed the Chair.

## REPORTS OF STANDING COMMITTEES

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HCS for HB 397**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Emery, Chairman of the Committee on Government Reform, submitted the following report:

Mr. President: Your Committee on Government Reform, to which was referred **SB 135**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Libla, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HCS** for **HBs 812** and **832**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 831**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 898**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 926**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 342**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crawford, Chairman of the Committee on Local Government and Elections, submitted the following report:

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 424**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Romine, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 225**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cierpiot, Chairman of the Committee on Economic Development, submitted the following reports:

Mr. President: Your Committee on Economic Development, to which was referred **HCS** for **HB 255**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, to which was referred **HCS** for **HB 469**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, to which was referred **HCS** for **HB 677**,

begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Bernskoetter, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, Senator Hoskins submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HB 260**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator White, Chairman of the Committee on Veterans and Military Affairs, submitted the following reports:

Mr. President: Your Committee on Veterans and Military Affairs, to which was referred **HCS for HB 547**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Veterans and Military Affairs, to which was referred **HB 565**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Fiscal Oversight, to which was referred **HB 188**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Kehoe assumed the Chair.

### **SENATE BILLS FOR PERFECTION**

Senator Cunningham moved that **SB 11** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Cunningham, **SB 11** was declared perfected and ordered printed.

Senator May moved that **SB 210** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator May offered **SS** for **SB 210**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE BILL NO. 210**

An Act to amend chapter 10, RSMo, by adding thereto two new sections relating to state designations.

Senator May moved that **SS** for **SB 210** be adopted, which motion prevailed on a standing division vote.

On motion of Senator May, **SS** for **SB 210**, was declared perfected and ordered printed.

Senator Arthur moved that **SB 60**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 60**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 60

An Act to amend chapter 441, RSMo, by adding thereto one new section relating to victims of certain crimes.

Was taken up.

Senator Arthur moved that SCS for SB 60 be adopted.

Senator Onder offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 60, Page 3, Section 441.920, Line 59, by inserting after all of said line the following:

“567.050. 1. A person commits the offense of promoting prostitution in the first degree if he or she knowingly:

- (1) Promotes prostitution by compelling a person to enter into, engage in, or remain in prostitution; [or]
- (2) Promotes prostitution of a person less than sixteen years of age; **or**

**(3) Owns, manages, or operates an interactive computer service, or conspires or attempts to do so, with the intent to promote or facilitate the prostitution of another. As used in this subdivision, the term “interactive computer service” shall mean: any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions.**

2. The term “compelling” includes:

- (1) The use of forcible compulsion;
- (2) The use of a drug or intoxicating substance to render a person incapable of controlling his conduct or appreciating its nature;
- (3) Withholding or threatening to withhold dangerous drugs or a narcotic from a drug dependent person.

3. **(1)** The offense of promoting prostitution in the first degree under subdivision (1) **or (3)** of subsection 1 of this section is a class B felony.

**(2) The offense of promoting prostitution in the first degree under subdivision (3) of subsection 1 of this section is a class A felony if a person acts in reckless disregard of the fact that such conduct contributed to the offense of trafficking for the purposes of sexual exploitation under section 566.209.**

**(3)** The offense of promoting prostitution in the first degree under subdivision (2) of subsection 1 of this section is a felony punishable by a term of imprisonment not less than ten years and not to exceed fifteen years.

**4. A person injured by the acts committed in violation of subdivision (3) of subsection 1 of this section or subdivision (2) of subsection 3 of this section shall have a civil cause of action to recover damages and reasonable attorneys’ fees for such injury.**

**5. In addition to the court’s authority to order a defendant to make restitution for the damage or loss caused by his or her offense as provided in section 559.105, the court shall enter a judgment of restitution against the defendant convicted of violating subdivision (3) of subsection 1 of this section and subdivision (2) of subsection 3 of this section.”; and**

Further amend the title and enacting clause accordingly.

Senator Onder moved that the above amendment be adopted, which motion prevailed.

Senator Nasheed offered **SA 2:**

**SENATE AMENDMENT NO. 2**

Amend Senate Committee Substitute for Senate Bill No. 60, Page 3, Section 441.920, Line 59, by inserting after all of said line the following:

**“455.250. For the purposes of sections 455.250 to 455.260, the following terms shall mean:**

**(1) “Family or household members”, spouses, domestic partners, former spouses, former domestic partners, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren;**

**(2) “Landlord”, the same as in section 441.005;**

**(3) “Lease”, the same as in section 441.005;**

**(4) “Premises”, all types of real property under the terms of a lease used or intended for use primarily as a dwelling, including a house, apartment, condominium, manufactured home, and mobile home;**

**(5) “Qualified third party”, any of the following individuals acting in his or her official capacity:**

**(a) A law enforcement officer;**

**(b) An appropriate medical provider, as defined in section 595.220;**

**(c) A court employee; and**

**(d) An employee of a rape crisis center, as defined in section 455.003;**

**(6) “Rent”, a stated payment for the temporary possession or use of real property made at fixed intervals by a tenant to a landlord;**

**(7) “Tenant”, the same as in section 441.005;**

**(8) “Tenant screening service”, a service that uses a consumer report or other information about a prospective tenant to assist in making a decision as to whether to make or accept an offer for a lease of the premises to or from a prospective tenant.**



**455.255. 1. If a tenant or household member notifies the landlord, in writing, of his or her intent to terminate the lease and leave the premises because the tenant, his or her dependent, or another household member is the victim of domestic violence, sexual assault, harassment, or stalking, then he or she shall include one of the following:**

**(1) A copy of a valid order of protection issued for the tenant, dependent, or household member; or**

**(2) A written record of a report signed by a qualified third party that the tenant, dependent, or household member was the victim of domestic violence, sexual assault, harassment or stalking. The report shall consist of the following:**

**(a) That the tenant, dependent, or household member notified the qualified third party that he or she was a victim of an act or acts that constitute domestic violence, sexual assault, harassment, or stalking;**

**(b) The time and date the act or acts occurred;**

**(c) The location where the act or acts occurred;**

**(d) A brief description of the act or acts of domestic violence, sexual assault, harassment, or stalking; and**

**(e) The name of the alleged perpetrator of the act or acts of domestic violence, sexual assault, harassment, or stalking, if known.**

**2. When a copy of a valid order of protection or a written record of a report signed by a qualified third party is given to the landlord within ninety days of the reported act, event, or circumstance that gave rise to the protective order or report, along with a written notice to terminate the lease and leave the premises under subsection 1 of this section, the tenant may terminate the lease agreement and give back possession of the premises without further obligation under the lease agreement. The tenant shall vacate the dwelling and avoid liability for future rent and shall not incur early termination penalties or fees. Upon vacating the premises, the tenant shall deliver the key and all copies of the key to the landlord by personal delivery or delivery through a third party.**

**3. A tenant who terminates a lease under this section shall remain liable for the rent for the month in which he or she terminated the lease agreement and shall be discharged from the payment of rent for any period following the last day of the month of the quitting date. Notwithstanding lease provisions that allow for forfeiture of a deposit for early termination, a tenant who terminates the lease under this section shall be entitled to the return of the full deposit, subject to the provisions of section 535.300. If the landlord retains any of the deposit, the tenant shall receive a full and specific statement of the basis for retaining any of the deposit together with any refund due in accordance with the provisions of section 535.300.**

**4. Other tenants who are parties to the lease agreement, except dependents or household members who are the victims of sexual assault, stalking, harassment, or domestic violence, shall not be released from their obligations under the lease agreement or other obligations under chapter 441.**

**5. The tenant may request the landlord to terminate the lease agreement with the alleged**

perpetrator of the act or acts, if the tenant and the alleged perpetrator live together, when a copy of a valid order of protection or a written record of a report signed by a qualified third party is given to the landlord within ninety days of the reported act, event, or circumstance that gave rise to the protective order or report. The landlord shall evict the alleged perpetrator if a lease agreement exists between him or her and the landlord. If there is no lease agreement between the alleged perpetrator and the landlord, then the landlord shall remove and bar and ban him or her from the premises owned by the landlord.

6. A landlord shall not terminate a lease agreement or fail to renew a lease agreement based upon an act or acts against a tenant, dependent, or a household member that constitute domestic violence, sexual assault, harassment, or stalking, if the tenant, dependent, or household member provides the landlord with a copy of a valid order of protection or a written record of a report signed by a qualified third party, issued or written ninety days of the reported act, event, or circumstance that gave rise to the protective order or report. A landlord may terminate or decline to renew a lease agreement if the tenant or household member allows the alleged perpetrator inside the premises following receipt of the protection order or report.

7. Nothing in this section shall preclude eviction for nonpayment of rent or other unlawful acts.

455.260. 1. A tenant screening service shall not disclose the status of a tenant, prospective tenant, dependent, or household member as a victim of domestic violence, sexual assault, harassment, or stalking, or disclose that a tenant, prospective tenant, dependent, or household member, has previously terminated a lease agreement under section 455.255.

2. A landlord shall not terminate a lease, fail to renew a lease, or refuse to enter into a lease agreement based on:

(a) The status of a tenant, prospective tenant, dependent, or household member as a victim of domestic violence, sexual assault, harassment, or stalking; or

(b) Previously terminating a lease agreement under section 455.255.

3. A landlord who terminates a lease, fails to renew a lease, or refuses to enter into a lease agreement in violation of subsection 2 of this section may be liable to the tenant, prospective tenant, dependent, or household member in a civil action for damages sustained. The prevailing party may also recover court costs and reasonable attorneys' fees.

4. The provisions of this section shall not prohibit any adverse housing decisions based upon other lawful factors within the landlord's knowledge or prohibit voluntary disclosure by a tenant or prospective tenant of any victim circumstances.

5. A tenant's remedies under this section do not preempt any other legal remedy available to the tenant.

6. The provision of a written record of a report, under subsection 1 of section 455.255, does not waive the confidential or privileged nature of the communication between a qualified third party and the victim of domestic violence, sexual assault, harassment, or stalking.

7. No record or evidence obtained from disclosure under this section and section 455.255 shall be used in any proceedings, including civil, administrative, or criminal, against the victim, unless his or

**her written waiver is obtained.”; and**

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted.

At the request of Senator Arthur, **SB 60**, with **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

### THIRD READING OF SENATE BILLS

**SCS** for **SB 330**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 330

An Act to amend chapter 301, RSMo, by adding thereto two new sections relating to special license plates.

Was taken up by Senator Brown.

On motion of Senator Brown, **SCS** for **SB 330** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Arthur	Brown	Burlison	Cierpiot	Crawford	Cunningham	Eigel
Emery	Holsman	Hoskins	Hough	Koenig	Libla	Luetkemeyer
May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	White
Wieland	Williams—30					

#### NAYS—Senators—None

Absent—Senator Hegeman—1

#### Absent with leave—Senators

Bernskoetter	Curls	Walsh—3
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#### Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### CONCURRENT RESOLUTIONS

Senator Schatz moved that **SCR 14**, with **SS** (pending), be called from the Calendar again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **SCR 14** was again taken up.

At the request of Senator Schatz, **SS** for **SCR 14** was withdrawn.

Senator Schatz offered **SS No. 2** for **SCR 14**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE CONCURRENT RESOLUTION NO. 14  
Relating to transportation bonds.

Whereas, the General Assembly recognizes the need for the repair of bridges on the state highway system that are contained in the Highways and Transportation Commission's Statewide Transportation Improvement Program for years 2020 to 2024; and

Whereas, pursuant to Article IV, Section 30(b) of the Missouri Constitution, the Highways and Transportation Commission is authorized to issue state road bonds to fund the construction and reconstruction of the state highway system; and

Whereas, the General Assembly desires that the Highways and Transportation Commission issue state road bonds to finance the planning, designing, construction, reconstruction, rehabilitation, and significant repair of two hundred fifteen bridges on the state highway system that are contained in the Statewide Transportation Improvement Program for 2020 to 2024; and

Whereas, the General Assembly wishes to assist the Highways and Transportation Commission by providing funds as first recourse for payment of the debt service for such bonds from General Revenue Fund revenues to the State Road Fund:

Now Therefore Be It Resolved that the members of the Missouri Senate, One-hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby support the following:

1. The planning, designing, construction, reconstruction, rehabilitation, and significant repair of two hundred fifteen bridges on the state highway system as selected by the Highways and Transportation Commission and included in the Commission's latest approved Statewide Transportation Improvement Program for years 2020 to 2024;

2. The total estimated project costs for two hundred fifteen bridges, not to exceed three hundred one million dollars; and

3. The issuance of Highways and Transportation Commission state road bonds in an amount sufficient to pay such project costs, plus costs of issuance, with such bonds to be payable over a term not to exceed seven years and such term of payment to begin no earlier than July 1, 2020; and

Be It Further Resolved that the members of the General Assembly support the following:

1. That the debt service for such state road bonds issued by the Highways and Transportation Commission shall be payable from future appropriations to be made by the General Assembly of General Revenue Fund revenues to the State Road Fund; and

2. Pursuant to Article IV, Section 28 of the Missouri Constitution, this resolution shall not bind future General Assemblies to make any appropriation for this purpose, although it is the present intent of the General Assembly that during each of the fiscal years of the state in which the term of such state road bonds remain outstanding, General Revenue Fund revenues be appropriated to the State Road Fund in an amount sufficient to pay the debt service on such bonds; and

Be It Further Resolved that the members of the Missouri General Assembly authorize and direct the Office of Administration and such other state departments, offices, and agencies as the Office of Administration may deem necessary or appropriate to:

1. Assist the members, staff, consultants, and advisors of the Highways and Transportation Commission in issuing such state road bonds; and

2. Execute and deliver a financing agreement with the Highways and Transportation Commission to provide funds appropriated on an annual basis from General Revenue Fund revenues to the State Road Fund for payment of the debt service on such bonds and such other documents and certificates related to such bonds as are consistent with the terms of this concurrent resolution; and

Be It Further Resolved that this resolution shall take effect upon acceptance by the Missouri Department of Transportation of a grant from the federal government for road and bridge purposes; and

Be It Further Resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Senator Schatz moved that **SS No. 2** for **SCR 14** be adopted, which motion prevailed.

Senator Schatz moved that **SS No. 2** for **SCR 14** be read the 3rd time and passed and was recongnized to close.

Senator Schatz referred **SS No. 2** for **SCR 14** to the Committee on Fiscal Oversight.

## REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted

the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 210** and **SB 11**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### SENATE BILLS FOR PERFECTION

Senator Arthur moved that **SB 60**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 2** was again taken up.

At the request of Senator Nasheed, the above amendment was withdrawn.

Senator White offered **SA 3**:

### SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 60, Page 2, Section 441.920, Line 38, by inserting after the first use of the word "A" the following: "**notarized**".

Senator White moved that the above amendment be adopted, which motion prevailed.

Senator Arthur moved that **SCS** for **SB 60**, as amended, be adopted, which motion prevailed.

On motion of Senator Arthur, **SCS** for **SB 60**, as amended, was declared perfected and ordered printed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 159**, entitled:

An Act to repeal sections 226.540 and 226.550, RSMo, and to enact in lieu thereof two new sections relating to outdoor advertising.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 844**, entitled:

An Act to repeal sections 419.020 and 419.040, RSMo, and to enact in lieu thereof two new sections relating to lodging establishments.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HB 873**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto two new sections relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1127**, entitled:

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to Missouri bourbon whiskey.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 942**, entitled:

An Act to repeal sections 376.1040 and 376.1042, RSMo, and to enact in lieu thereof two new sections relating to solicitation and marketing practices of a multiple employer welfare association.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 83**, entitled:

An Act to repeal sections 191.671, 376.385, 376.429, 376.446, 376.452, 376.454, 376.690, 376.779, 376.781, 376.782, 376.811, 376.845, 376.1199, 376.1200, 376.1209, 376.1210, 376.1215, 376.1218, 376.1219, 376.1220, 376.1224, 376.1225, 376.1230, 376.1232, 376.1235, 376.1237, 376.1250, 376.1253, 376.1257, 376.1275, 376.1290, 376.1400, 376.1550, and 376.1900, RSMo, and to enact in lieu thereof thirty-five new sections relating to health insurance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 705**, entitled:

An Act to repeal sections 193.015, 195.100, 334.037, 334.104, 334.108, 334.735, 334.736, 334.747, 334.749, 337.050, 338.010, 630.175, and 630.875, RSMo, and to enact in lieu thereof fourteen new sections

relating to professional registration.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 65**, entitled:

An Act to repeal sections 311.020, 311.198, and 311.300, RSMo, and to enact in lieu thereof three new sections relating to intoxicating liquor.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 674**, entitled:

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof two new sections relating to transient guest taxes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 106**, entitled:

An Act to repeal section 339.190, RSMo, and to enact in lieu thereof one new section relating to real estate licensees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HBs 746 & 722**, entitled:

An Act to repeal section 57.280, RSMo, and to enact in lieu thereof one new section relating to charges for the service of court orders.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HB 606**, entitled:

An Act to repeal sections 168.133 and 304.060, RSMo, and to enact in lieu thereof two new sections relating to transportation of school children.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 407**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the state endangered species.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 745**, entitled:

An Act to amend chapter 476, RSMo, by adding thereto one new section relating to court orders changing custody.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 372**, entitled:

An Act to repeal section 288.040, RSMo, and to enact in lieu thereof one new section relating to employment security.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 568**, entitled:

An Act to repeal section 70.600, RSMo, and to enact in lieu thereof two new sections relating to public safety.

In which the concurrence of the Senate is respectfully requested.



Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 112**, entitled:

An Act to repeal section 162.720, RSMo, and to enact in lieu thereof one new section relating to gifted children.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 287**, entitled:

An Act to repeal section 386.020, RSMo, and to enact in lieu thereof two new sections relating to electric vehicle charging stations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## **RESOLUTIONS**

On behalf of Senator Bernskoetter, Senator Rowden offered Senate Resolution No. 612, regarding the One Hundredth Anniversary of Associated Industries of Missouri, Jefferson City, which was adopted.

## **INTRODUCTIONS OF GUESTS**

Senator Schupp introduced to the Senate, the Physician of the Day, Dr. Nikhat Salamat, Chesterfield.

Senator Schupp introduced to the Senate, Michael Bender, St. Louis.

Senator Emery introduced to the Senate, teacher Marsha Olson and fourth-grade students from Clinton Christian Academy.

Senator Schupp introduced to the Senate, teacher Mrs. Ward and fourth-grade students from Spoeede Elementary School, Creve Coeur.

Senator Williams introduced to the Senate, Dr. Katie Plax, St. Louis.

Senator Cunningham introduced to the Senate, teachers Luke Douglas and Angie Lohman, and fifth-grade students from Ozark Christian Academy, West Plains.

Senator Rowden introduced to the Senate, Dr. Kristin Sohl, and pediatricians from University of Missouri Health Care.

On motion of Senator Rowden, the Senate adjourned until 4:00 p.m., Monday, April 15, 2019.

## SENATE CALENDAR

FIFTY-FIRST DAY—MONDAY, APRIL 15, 2019

## FORMAL CALENDAR

## HOUSE BILLS ON SECOND READING

HB 159-Warren	HCS for HB 106
HCS for HB 844	HCS for HBs 746 & 722
HB 873-Riggs	HB 606-Basye
HCS for HB 1127	HB 407-Justus
HB 942-Wiemann	HCS for HB 745
HB 83-Hill	HB 372-Trent
HB 705-Helms	HB 568-Black (7)
HB 65-Pike	HB 112-Sommer
HCS for HB 674	HCS for HB 287

## THIRD READING OF SENATE BILLS

SS for SB 218-Hoskins (In Fiscal Oversight)	SB 282-Brown (In Fiscal Oversight)
SS for SCS for SJRs 14 & 9-Luetkemeyer (In Fiscal Oversight)	SCS for SB 184-Wallingford (In Fiscal Oversight)
SCS for SB 465-Burlison (In Fiscal Oversight)	SS for SCS for SB 34-Riddle (In Fiscal Oversight)
SCS for SB 363-Riddle	SS for SB 210-May
	SB 11-Cunningham

## SENATE BILLS FOR PERFECTION

1. SB 514-Sater	11. SB 144-Burlison, with SCS
2. SB 430-Libla	12. SJR 20-Koenig, with SCS
3. SB 186-Hegeman	13. SB 208-Wallingford
4. SB 302-Wallingford	14. SB 189-Crawford, with SCS
5. SB 347-Burlison	15. SB 385-Bernskoetter
6. SB 439-Brown	16. SB 409-Wieland, et al
7. SB 303-Riddle, with SCS	17. SB 437-Hoskins
8. SB 376-Riddle	18. SB 286-Hough
9. SB 82-Cunningham, with SCS	19. SB 325-Crawford, with SCS
10. SB 161-Cunningham	20. SBs 8 & 74-Emery, with SCS

21. SB 386-O'Laughlin, with SCS  
22. SB 272-Emery, with SCS  
23. SB 265-Luetkemeyer, with SCS

24. SB 135-Sifton, with SCS  
25. SB 342-Curls and Nasheed  
26. SB 424-Luetkemeyer

#### HOUSE BILLS ON THIRD READING

HB 188-Rehder (Luetkemeyer)  
HB 612-Coleman (97) (Crawford)  
HCS for HB 397, with SCS (Riddle)  
HCS for HB 225, with SCS (Romine)  
HCS for HB 255 (Cierpiot)

HCS for HB 469 (Wallingford)  
HCS for HB 677 (Cierpiot)  
HB 260-Taylor, with SCS (Bernskoetter)  
HCS for HB 547, with SCS (Bernskoetter)

#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

SB 1-Curls and Nasheed, with SCS  
SB 3-Curls  
SB 4-Sater  
SB 5-Sater, et al, with SCS  
SB 10-Cunningham, with SCS & SA 1 (pending)  
SB 14-Wallingford  
SB 16-Romine, with SCS, SS for SCS, SA 3  
& point of order (pending)  
SB 19-Libla, with SA 1 (pending)  
SB 29-Hegeman, with SCS  
SB 31-Wieland  
SB 37-Onder and Nasheed, with SCS  
SB 39-Onder  
SB 44-Hoskins, with SCS & SS#3 for SCS  
(pending)  
SBs 46 & 50-Koenig, with SCS, SS for SCS  
& SA 6 (pending)  
SB 49-Rowden, with SCS  
SB 52-Eigel, with SCS  
SB 56-Cierpiot, with SCS, SS for SCS & SA 1  
(pending)  
SB 57-Cierpiot  
SB 62-Burlison, with SCS  
SB 65-White, with SS (pending)

SB 69-Hough  
SBs 70 & 128-Hough, with SCS  
SB 76-Sater, with SCS (pending)  
SB 78-Sater  
SB 88-Libla  
SB 97-Hegeman, with SCS  
SB 100-Riddle  
SB 118-Cierpiot, with SCS  
SB 132-Emery, with SCS  
SB 141-Koenig  
SB 150-Koenig, with SCS  
SBs 153 & 117-Sifton, with SCS  
SB 154-Luetkemeyer, with SS & SA 2 (pending)  
SB 155-Luetkemeyer  
SB 160-Koenig, with SCS, SS for SCS & SA 2  
(pending)  
SB 168-Wallingford, with SCS  
SB 201-Romine  
SB 203-Nasheed, with SCS  
SB 205-Arthur, with SCS  
SB 211-Wallingford  
SB 222-Hough  
SB 224-Luetkemeyer, with SS#2 (pending)  
SB 225-Curls

SB 234-White  
 SB 252-Wieland, with SCS  
 SB 255-Bernskoetter  
 SB 259-Romine  
 SB 276-Rowden, with SCS  
 SB 278-Wallingford, with SCS  
 SBs 279, 139 & 345-Onder and Emery, with  
   SCS  
 SB 292-Eigel, with SCS & SS#2 for SCS  
   (pending)  
 SB 293-Hough, with SCS  
 SB 296-Cierpiot, with SCS  
 SB 298-White, with SCS  
 SB 300-Eigel  
 SB 312-Eigel  
 SB 316-Burlison  
 SB 318-Burlison  
 SB 328-Burlison, with SCS

SB 332-Brown  
 SB 333-Rizzo  
 SB 336-Schupp  
 SB 343-Eigel, with SCS  
 SB 344-Eigel, with SCS  
 SB 349-O'Laughlin, with SCS  
 SB 350-O'Laughlin  
 SB 354-Cierpiot, with SCS  
 SB 391-Bernskoetter  
 SB 412-Holsman  
 SB 414-Wieland  
 SB 426-Williams  
 SB 431-Schatz, with SCS  
 SJR 1-Sater and Onder  
 SJR 13-Holsman, with SCS, SS for SCS &  
   SA 1 (pending)  
 SJR 18-Cunningham

## CONSENT CALENDAR

### House Bills

Reported 4/4

HB 182-Shull (Crawford)

Reported 4/11

HCS for HBs 812 & 832 (Hoskins)  
 HB 831-Sharpe (Brown)  
 HB 898-Walsh (Bernskoetter)

HB 926-Shawan, with SCS (Hough)  
 HB 565-Morse, with SCS (Wallingford)

## BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

### In Conference

HCS for HB 14, with SCS (Hegeman)

RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 1-Walsh  
SCR 8-Holsman  
SCR 13-Emery

SS#2 for SCR 14-Schatz (In Fiscal Oversight)  
SCR 15-Burlison  
SCR 19-Eigel

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# Journal of the Senate

FIRST REGULAR SESSION

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**FIFTY-FIRST DAY—MONDAY, APRIL 15, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

Abraham Lincoln was asked: “If God is on side?” To which Lincoln responded: “It is more important to know that we are on God’s side.”

Magnificent God: You have taken insignificant minorities to be Your spokespersons, again and again. Through Your word spoken by these men and women You have achieved one victory after another. Help us to have the courage to do that which is right, knowing we are on Your side. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 11, 2019 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Schupp—1

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Hoskins offered Senate Resolution No. 613, regarding James M. Kushner, Warrensburg, which was adopted.

Senator Williams offered Senate Resolution No. 614, regarding the Jennings Senior High School Students in the Jobs for America's Graduates, which was adopted.

Senator Onder offered Senate Resolution No. 615, regarding Jolie Newman, which was adopted.

Senator Koenig offered Senate Resolution No. 616, regarding Arthur James "Jim" Yettke, Ballwin, which was adopted.

Senator Onder offered Senate Resolution No. 617, regarding Anthony Paul "Tony" Lang Sr., O'Fallon, which was adopted.

Senator Onder offered Senate Resolution No. 618, regarding Homer E. Scott, Wentzville, which was adopted.

Senator Onder offered Senate Resolution No. 619, regarding Alvin Anthony "Al" Post Sr., Foristell, which was adopted.

Senator Brown offered Senate Resolution No. 620, regarding Pastor Tim Cook, Rolla, which was adopted.

Senator Rizzo offered Senate Resolution No. 621, regarding the Drumm Farm Center for Children, Independence, which was adopted.

Senator Schatz offered Senate Resolution No. 622, regarding Allison Bright, St. Clair, which was adopted.

Senator Schatz offered Senate Resolution No. 623, regarding Josephine Schmaltz, Labadie, which was adopted.

Senator Schatz offered Senate Resolution No. 624, regarding Nicole Licavoli, Chesterfield, which was adopted.

Senator Schatz offered Senate Resolution No. 625, regarding Victoria Suerig, Beaufort, which was adopted.

Senator Schatz offered Senate Resolution No. 626, regarding Amanda Rawls, Wildwood, which was adopted.

Senator Williams offered Senate Resolution No. 627, regarding Kathy Osborn, which was adopted.

Senator Romine offered Senate Resolution No. 628, regarding Cecil Laverne Mayfield, Black, which was adopted.

Senator Romine offered Senate Resolution No. 629, regarding Lucinda Simpson, Park Hills, which was adopted.

Senator Romine offered Senate Resolution No. 630, regarding Georgia Lawless, Annapolis, which was adopted.

Senator Rowden offered the following resolution:

SENATE RESOLUTION NO. 631

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and  
WHEREAS, the Senate has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good

citizenship; and

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of Missouri and to participate in the democratic process of government:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, One Hundredth General Assembly, that the Missouri Catholic Conference be hereby granted permission to use the Senate Chamber and the Senate Hearing Rooms from 7:00 a.m. to 5:00 p.m. on Saturday, October 5, 2019, for the purpose of a citizens assembly and workshops.

Senator Rowden requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 631** up for adoption, which request was granted.

On motion of Senator Rowden, **SR 631** was adopted.

### REPORTS OF STANDING COMMITTEES

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which was referred **SS** for **SB 218**, **SS No. 2** for **SCR 14** and **SS** for **SCS** for **SJR**s **14** and **9** begs leave to report that it has considered the same and recommends that the bill, concurrent resolution and joint resolution do pass.

President Pro Tem Schatz assumed the Chair.

Senator Bernskoetter, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HB 655**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 60**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

President Kehoe assumed the Chair.

### REFERRALS

President Pro Tem Schatz referred **SB 11**, **HCS** for **HB 225**, with **SCS**, **HB 260**, with **SCS**, **HCS** for **HB 469**, **HCS** for **HB 255**, **HCS** for **HB 677** and **HCS** for **HB 547**, with **SCS** to the Committee on Fiscal Oversight.

### CONCURRENT RESOLUTIONS

Senator Schatz moved that **SS No. 2** for **SCR 14** be called from the Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS No. 2** for **SCR 14** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls	Emery
Hegeman	Holsman	Hough	Libla	Luetkemeyer	May	Nasheed
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Sifton



Wallingford          Walsh                  White                  Wieland                  Williams—26

NAYS—Senators

Arthur                  Burlison                  Eigel                  Hoskins                  Koenig                  O’Laughlin                  Onder—7

Absent—Senators—None

Absent with leave—Senator Schupp—1

Vacancies—None

The President declared the concurrent resolution passed.

On motion of Senator Schatz, title to the concurrent resolution was agreed to.

Senator Schatz moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **CCS** for **SCS** for **HCS** for **HB 14**, entitled:

An Act to appropriate money for supplemental purposes for the expenses, grants, and distributions of the several departments and offices of state government and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the fiscal period ending June 30, 2019.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 301**, entitled:

An Act to repeal sections 198.082, 335.046, 335.051, 335.056, 335.076, 335.086, and 335.175, RSMo, and to enact in lieu thereof eight new sections relating to nurses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 379**, entitled:

An Act to repeal section 253.403, RSMo, and to enact in lieu thereof one new section relating to historic county courthouses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 679**, entitled:

An Act to repeal section 32.300, RSMo, and to enact in lieu thereof two new sections relating to driver's license renewals.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 966**, entitled:

An Act to repeal section 556.061, RSMo, and to enact in lieu thereof two new sections relating to the offense of vehicle hijacking, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1094**, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to income tax, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 349**, entitled:

An Act to repeal section 329.010, RSMo, and to enact in lieu thereof one new section relating to the practice of shampooing.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 338**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the Battle of St. Louis memorial day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 816**, entitled:

An Act to repeal section 333.041, RSMo, and to enact in lieu thereof one new section relating to embalming apprenticeships.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 932**, entitled:

An Act to repeal section 192.2435, RSMo, and to enact in lieu thereof two new sections relating to multidisciplinary adult protection teams.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 758**, entitled:

An Act to repeal sections 190.243, 197.305, and 197.318, RSMo, and to enact in lieu thereof fifteen new sections relating to facilities licensed by the department of health and senior services, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 191**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto three new sections relating to the designation of memorial highways.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **PRIVILEGED MOTIONS**

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 14** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 14

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 14, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 14.
2. That the House recede from its position on House Committee Substitute for House Bill No. 14.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 14, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Cody Smith  
/s/ David Wood  
/s/ Hanna Kelly  
Kip Kendrick  
Peter Merideth

FOR THE SENATE:

/s/ Dan Hegeman  
/s/ Lincoln Hough  
/s/ Denny Hoskins  
/s/ John Rizzo  
/s/ Jamilah Nasheed

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Curls	Eigel
Emery	Hegeman	Hough	Koenig	Libla	Luetkemeyer	May
Nasheed	O’Laughlin	Onder	Riddle	Rizzo	Rowden	Sater
Schatz	Wallingford	Walsh	White	Wieland—26		

NAYS—Senators

Arthur	Holsman	Hoskins	Sifton	Williams—5
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Absent—Senators

Cunningham	Romine—2
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Absent with leave—Senator Schupp—1

Vacancies—None

On motion of Senator Hegeman, **CCS** for **SCS** for **HCS** for **HB 14**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 14

An Act to appropriate money for supplemental purposes for the expenses, grants, and distributions of

the several departments and offices of state government and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the fiscal period ending June 30, 2019.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Hough	Koenig	Libla	Luetkemeyer
May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo	Rowden
Sater	Schatz	Wallingford	Walsh	White	Wieland—27	

NAYS—Senators

Arthur	Holsman	Sifton	Williams—4
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Absent—Senators

Hoskins	Romine—2
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Absent with leave—Senator Schupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### SENATE BILLS FOR PERFECTION

Senator Wieland moved that **SB 414** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Wieland offered **SS** for **SB 414**, entitled:

#### SENATE SUBSTITUTE FOR SENATE BILL NO. 414

An Act to amend chapter 376, RSMo, by adding thereto two new sections relating to innovations in health insurance, with an emergency clause.

Senator Wieland moved that **SS** for **SB 414** be adopted, which motion prevailed.

On motion of Senator Wieland, **SS** for **SB 414** was declared perfected and order printed.

### INTRODUCTIONS OF GUESTS

Senator Rowden introduced to the Senate, Boone County Presiding Commissioner Dan Atwill and Tom Mendenhall, Columbia.

Senator White introduced to the Senate, Tatum Graham, and her parents, Marshal and Sarah; and Emma and Caleb, Carl Junction.

Senator Williams introduced to the Senate, Mathew Foggy and Clifton D. Berry, St. Louis.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

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FIFTY-SECOND DAY—TUESDAY, APRIL 16, 2019

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FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 159-Warren	HB 568-Black (7)
HCS for HB 844	HB 112-Sommer
HB 873-Riggs	HCS for HB 287
HCS for HB 1127	HCS for HB 301
HB 942-Wiemann	HCS for HB 379
HB 83-Hill	HCS for HB 679
HB 705-Helms	HB 966-Gregory
HB 65-Pike	HCS for HB 1094
HCS for HB 674	HB 338-Schnelting
HCS for HB 106	HB 816-Black (137)
HCS for HBs 746 & 722	HCS for HB 349
HB 606-Basye	HCS for HB 932
HB 407-Justus	HB 758-Bondon
HCS for HB 745	HB 191-Kolkmeier
HB 372-Trent	

THIRD READING OF SENATE BILLS

- |  |   |
|--|---|
| 1. SS for SB 218-Hoskins                               | 7. SS for SCS for SB 34-Riddle<br>(In Fiscal Oversight) |
| 2. SS for SCS for SJRs 14 & 9-Luetkemeyer              | 8. SS for SB 210-May                                    |
| 3. SCS for SB 465-Burlison<br>(In Fiscal Oversight)    | 9. SB 11-Cunningham (In Fiscal Oversight)               |
| 4. SCS for SB 363-Riddle                               | 10. SCS for SB 60-Arthur                                |
| 5. SB 282-Brown (In Fiscal Oversight)                  |   |
| 6. SCS for SB 184-Wallingford<br>(In Fiscal Oversight) |   |

SENATE BILLS FOR PERFECTION

- |                 |                 |
|-----------------|-----------------|
| 1. SB 514-Sater | 2. SB 430-Libla |
|-----------------|-----------------|

- |                               |                                  |
|-------------------------------|----------------------------------|
| 3. SB 186-Hegeman             | 15. SB 385-Bernskoetter          |
| 4. SB 302-Wallingford         | 16. SB 409-Wieland, et al        |
| 5. SB 347-Burlison            | 17. SB 437-Hoskins               |
| 6. SB 439-Brown               | 18. SB 286-Hough                 |
| 7. SB 303-Riddle, with SCS    | 19. SB 325-Crawford, with SCS    |
| 8. SB 376-Riddle              | 20. SBs 8 & 74-Emery, with SCS   |
| 9. SB 82-Cunningham, with SCS | 21. SB 386-O'Laughlin, with SCS  |
| 10. SB 161-Cunningham         | 22. SB 272-Emery, with SCS       |
| 11. SB 144-Burlison, with SCS | 23. SB 265-Luetkemeyer, with SCS |
| 12. SJR 20-Koenig, with SCS   | 24. SB 135-Sifton, with SCS      |
| 13. SB 208-Wallingford        | 25. SB 342-Curls and Nasheed     |
| 14. SB 189-Crawford, with SCS | 26. SB 424-Luetkemeyer           |

### HOUSE BILLS ON THIRD READING

- |                                   |   |
|-----------------------------------|---|
| HB 188-Rehder (Luetkemeyer)       | HCS for HB 469 (Wallingford)                    |
| HB 612-Coleman (97) (Crawford)    | (In Fiscal Oversight)                           |
| HCS for HB 397, with SCS (Riddle) | HCS for HB 677 (Cierpiot) (In Fiscal Oversight) |
| HCS for HB 225, with SCS (Romine) | HB 260-Taylor, with SCS (Bernskoetter)          |
| (In Fiscal Oversight)             | (In Fiscal Oversight)                           |
| HCS for HB 255 (Cierpiot)         | HCS for HB 547, with SCS (Bernskoetter)         |
| (In Fiscal Oversight)             | (In Fiscal Oversight)                           |

### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

- |   |   |
|---|---|
| SB 1-Curls and Nasheed, with SCS            | SBs 46 & 50-Koenig, with SCS, SS for SCS    |
| SB 3-Curls                                  | & SA 6 (pending)                            |
| SB 4-Sater                                  | SB 49-Rowden, with SCS                      |
| SB 5-Sater, et al, with SCS                 | SB 52-Eigel, with SCS                       |
| SB 10-Cunningham, with SCS & SA 1 (pending) | SB 56-Cierpiot, with SCS, SS for SCS & SA 1 |
| SB 14-Wallingford                           | (pending)                                   |
| SB 16-Romine, with SCS, SS for SCS, SA 3    | SB 57-Cierpiot                              |
| & point of order (pending)                  | SB 62-Burlison, with SCS                    |
| SB 19-Libla, with SA 1 (pending)            | SB 65-White, with SS (pending)              |
| SB 29-Hegeman, with SCS                     | SB 69-Hough                                 |
| SB 31-Wieland                               | SBs 70 & 128-Hough, with SCS                |
| SB 37-Onder and Nasheed, with SCS           | SB 76-Sater, with SCS (pending)             |
| SB 39-Onder                                 | SB 78-Sater                                 |
| SB 44-Hoskins, with SCS & SS#3 for SCS      | SB 88-Libla                                 |
| (pending)                                   | SB 97-Hegeman, with SCS                     |

SB 100-Riddle	SB 292-Eigel, with SCS & SS#2 for SCS (pending)
SB 118-Cierpiot, with SCS	SB 293-Hough, with SCS
SB 132-Emery, with SCS	SB 296-Cierpiot, with SCS
SB 141-Koenig	SB 298-White, with SCS
SB 150-Koenig, with SCS	SB 300-Eigel
SBs 153 & 117-Sifton, with SCS	SB 312-Eigel
SB 154-Luetkemeyer, with SS & SA 2 (pending)	SB 316-Burlison
SB 155-Luetkemeyer	SB 318-Burlison
SB 160-Koenig, with SCS, SS for SCS & SA 2 (pending)	SB 328-Burlison, with SCS
SB 168-Wallingford, with SCS	SB 332-Brown
SB 201-Romine	SB 333-Rizzo
SB 203-Nasheed, with SCS	SB 336-Schupp
SB 205-Arthur, with SCS	SB 343-Eigel, with SCS
SB 211-Wallingford	SB 344-Eigel, with SCS
SB 222-Hough	SB 349-O'Laughlin, with SCS
SB 224-Luetkemeyer, with SS#2 (pending)	SB 350-O'Laughlin
SB 225-Curls	SB 354-Cierpiot, with SCS
SB 234-White	SB 391-Bernskoetter
SB 252-Wieland, with SCS	SB 412-Holsman
SB 255-Bernskoetter	SB 426-Williams
SB 259-Romine	SB 431-Schatz, with SCS
SB 276-Rowden, with SCS	SJR 1-Sater and Onder
SB 278-Wallingford, with SCS	SJR 13-Holsman, with SCS, SS for SCS & SA 1 (pending)
SBs 279, 139 & 345-Onder and Emery, with SCS	SJR 18-Cunningham

## CONSENT CALENDAR

### House Bills

Reported 4/4

HB 182-Shull (Crawford)

Reported 4/11

HCS for HBs 812 & 832 (Hoskins)  
HB 831-Sharpe (Brown)  
HB 898-Walsh (Bernskoetter)

HB 926-Shawan, with SCS (Hough)  
HB 565-Morse, with SCS (Wallingford)



Reported 4/15

HB 655-Dinkins (Brown)

RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 1-Walsh  
SCR 8-Holsman  
SCR 13-Emery

SCR 15-Burlison  
SCR 19-Eigel

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# Journal of the Senate

## FIRST REGULAR SESSION

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**FIFTY-SECOND DAY—TUESDAY, APRIL 16, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let your speech always be gracious, seasoned with salt, so that you may know how you ought to answer everyone.” (Colossians 4:6)

Dear Lord as we engage each other this day may our speech be considerate and caring to how and what we say. Help us have a disposition of kindness and an inviting spirit as we deal with one another. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

**Present—Senators**

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

**Absent—Senators—None**

**Absent with leave—Senators—None**

**Vacancies—None**

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Williams offered Senate Resolution No. 632, regarding Molly Ann Prescott, Florissant, which was adopted.

Senator Hegeman offered Senate Resolution No. 633, regarding the Fiftieth Wedding Anniversary of Philip and Sharon Senger, Excelsior Springs, which was adopted.

Senator Koenig offered Senate Resolution No. 634, regarding Albert P. “Al” Schepers, Fenton, which was adopted.

Senator Koenig offered Senate Resolution No. 635, regarding William Robert Wirtel, St. Louis, which was adopted.

Senator Koenig offered Senate Resolution No. 636, regarding John G. Pollard, St. Louis, which was adopted.

Senator Koenig offered Senate Resolution No. 637, regarding James Robert “Jim” Johnston, Kirkwood, which was adopted.

Senator Koenig offered Senate Resolution No. 638, regarding William Wright “Bill” Korn, St. Louis, which was adopted.

Senator Koenig offered Senate Resolution No. 639, regarding Myron D. Grills, St. Louis, which was adopted.

Senator Koenig offered Senate Resolution No. 640, regarding Robert G. “Bob” Cordes, St. Louis, which was adopted.

Senator Koenig offered Senate Resolution No. 641, regarding Alvin Edward Constant, Kirkwood, which was adopted.

### THIRD READING OF SENATE BILLS

SS for **SB 218**, introduced by Senator Hoskins, entitled:

#### SENATE SUBSTITUTE FOR SENATE BILL NO. 218

An Act to repeal section 178.530, RSMo, and to enact in lieu thereof two new sections relating to education pilot programs for elementary students.

Was taken up.

On motion of Senator Hoskins, **SS for SB 218** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

#### NAYS—Senators—None

Absent—Senator Onder—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hoskins, title to the bill was agreed to.

Senator Hoskins moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SS for SCS for SJRs 14 and 9**, introduced by Senator Luetkemeyer, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE JOINT RESOLUTION NOS. 14 and 9

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VII of the Constitution of Missouri, by adding thereto one new section relating to the limitation of terms served by certain elected officers.

Was taken up.

On motion of Senator Luetkemeyer, **SS for SCS for SJRs 14 and 9** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	Nasheed	O’Laughlin	Onder	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

NAYS—Senators

Emery	Hegeman	May—3
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Luetkemeyer, title to the bill was agreed to.

Senator Luetkemeyer moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

**SCS for SB 363**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 363

An Act to repeal section 43.540, RSMo, and to enact in lieu thereof three new sections relating to background checks, with a penalty provision and an emergency clause.

Was taken up by Senator Riddle.

On motion of Senator Riddle, **SCS** for **SB 363** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SS** for **SB 210**, introduced by Senator May, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 210

An Act to amend chapter 10, RSMo, by adding two new sections relating to state designations.

Was taken up.

On motion of Senator May, **SS** for **SB 210** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Brown	Cierpiot	Crawford	Cunningham	Curls	Eigel
Hegeman	Holsman	Hoskins	Hough	Koenig	Libla	Luetkemeyer
May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

NAYS—Senators

Bernskoetter	Burlison	Emery—3
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator May, title to the bill was agreed to.

Senator May moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 60**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 60

An Act to repeal section 567.050, RSMo, and to enact in lieu thereof two new sections relating to victims of certain crimes, with penalty provisions.

Was taken up by Senator Arthur.

On motion of Senator Arthur, **SCS** for **SB 60** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Arthur, title to the bill was agreed to.

Senator Arthur moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### SENATE BILLS FOR PERFECTION

Senator Libla moved that **SB 88** be called from the Informal Calendar and again taken up for perfection which motion prevailed.

Senator Sifton offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Bill No. 88, Page 2, Section 210.160, Line 21, by striking “any initial court appearance” and inserting in lieu thereof the following: “**the appointment of the guardian ad litem**”; and further amend line 22, by inserting immediately after “courthouse.” the following: “**The child’s current placement or legal custodian shall cooperate with the guardian ad litem to schedule the initial meeting and take all steps necessary to effectuate the meeting.**”; and

Further amend said bill, page 3, section 484.355, line 4, by inserting immediately after “484.350” the following: “**, effective September 1, 2011, or successor standards promulgated by the supreme court**”; and

Further amend said bill and section, page 4, line 40, by striking “disclose” and insert in lieu thereof the following: “**redisclose**”.

Senator Sifton moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Libla, **SB 88**, as amended, was declared perfected and ordered printed.

Senator Rizzo moved that **SB 333** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Rizzo, **SB 333** was declared perfected and ordered printed.

### REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 414**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

**SENATE BILLS FOR PERFECTION**

Senator Nasheed moved that **SB 203**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 203**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 203

An Act to repeal sections 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, and 82.1031, RSMo, and to enact in lieu thereof three new sections relating to property regulations incertain cities and counties.

Was taken up.

Senator Nasheed moved that **SCS** for **SB 203** be adopted.

Senator Brown assumed the Chair.

Senator Emery assumed the Chair.

Senator Brown assumed the Chair.

Senator Cunningham offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 203, Page 6, Section 82.1030, Line 7, by inserting after all of said line the following:

“82.1031. No action shall be brought under section 82.1025 [or] **and** sections 82.1027 to 82.1030 if the owner of the property that is the subject of the action is in good faith compliance with [any order] **all orders** issued by the department of natural resources, the United States Environmental Protection Agency, or the office of attorney general.”; and

Further amend said bill, page 8, section 82.1031, lines 1-5 by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Nasheed moved that **SCS** for **SB 203**, as amended, be adopted, which motion prevailed.

On motion of Senator Nasheed, **SCS** for **SB 203**, as amended, was declared perfected and ordered printed.

**REPORTS OF STANDING COMMITTEES**

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 333**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.



**REFERRALS**

President Pro Tem Schatz referred **SS** for **SB 414** to the Committee on Fiscal Oversight.

**RESOLUTIONS**

Senator Sater offered Senate Resolution No. 642, regarding the Sixtieth Wedding Anniversary of John and Eve Adams, Southwest City, which was adopted.

Senator Walsh offered Senate Resolution No. 643, regarding Robert J. Doerr, Bellefontaine Neighbors, which was adopted.

Senator Arthur offered Senate Resolution No. 644, regarding Eagle Scout David Gerald Bartlett, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 645, regarding Eagle Scout Austyn Tyler Smelley, Kansas City, which was adopted.

On motion of Senator Rowden, the Senate recessed until 2:30 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Brown.

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 34**.

**HOUSE CONCURRENT RESOLUTION NO. 34**

WHEREAS, John Jordan "Buck" O'Neil was born in Carrabelle, Florida, in 1911; and

WHEREAS, O'Neil was prevented from attending high school as a result of racial segregation; and

WHEREAS, O'Neil left Florida in 1934 to play semi-professional exhibition baseball; and

WHEREAS, he signed with the Memphis Red Sox, a member of the newly formed Negro American League, in their first year of play in 1937; and

WHEREAS, in 1938, O'Neil's contract was sold to the Kansas City Monarchs, where he played until 1955, except for 1943-1945 when he served in the Navy in World War II; and

WHEREAS, O'Neil's career batting average was .288 and he had an average over .300 in four seasons; and

WHEREAS, in 1946, O'Neil led the Negro American League with a .353 batting average; and

WHEREAS, he played in three Negro League All-Star games and in two Negro League World Series; and

WHEREAS, O'Neil was named manager of the Kansas City Monarchs in 1948, and also continued to play first base until 1951; and

WHEREAS, in 1955, O'Neil became a scout for the Chicago Cubs and is credited with recruiting Hall of Famer Lou Brock; and

WHEREAS, O'Neil returned to Kansas City as a scout for the Royals in 1988; and

WHEREAS, he was named Midwest Scout of the Year in 1998; and

WHEREAS, O'Neil's commitment to preserving the history of the Negro Leagues was unparalleled; and

WHEREAS, in 1990, O'Neil led the effort to establish the Negro Leagues Baseball Museum in Kansas City and served as its honorary board chairman until his death in 2006; and

WHEREAS, he was inducted into the Baseball Scouts Hall of Fame in 2002; and

WHEREAS, at Kaufmann Stadium, the Kansas City Royals have designated Seat 9, Row C, Section 127 as the "Buck O'Neil Legacy Seat", occupied at every home game by an individual who best exemplifies O'Neil's spirit; and

WHEREAS, in 2006, O'Neil was posthumously awarded the Presidential Medal of Freedom by President George W. Bush for his

“excellence and determination both on and off the baseball field”; and

WHEREAS, O’Neil was awarded the first annual Beacon of Life Award by Major League Baseball in 2007:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the One Hundredth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the Baseball Hall of Fame to induct John Jordan “Buck” O’Neil into the Baseball Hall of Fame in recognition of his contributions to the sport as a player, manager, scout, and for his work to preserve and promote the history of the sport for future generations; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Governor, and the National Baseball Hall of Fame and Museum.

In which the concurrence of the Senate is respectfully requested.

### REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 565**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 203** and **SB 88**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### SENATE BILLS FOR PERFECTION

Senator Bernskoetter moved that **SB 391** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Bernskoetter offered **SS** for **SB 391**, entitled:

#### SENATE SUBSTITUTE FOR SENATE BILL NO. 391

An Act to repeal section 192.300, RSMo, and to enact in lieu thereof one new section relating to county health ordinances, with an existing penalty provision.

Senator Bernskoetter moved that **SS** for **SB 391** be adopted.

Senator Schupp offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 391, Page 1, In the Title, Lines 3-4, of the title, by striking “county health ordinances” and inserting in lieu thereof the following: “agricultural operations”; and

Further amend said bill, Page 2, Section 192.300, Line 27 of said page, by inserting after all of said line the following:

“640.715. 1. **Notwithstanding any other provision of law to the contrary**, prior to filing an

application to acquire [an operating permit for a new or expanded facility] **a construction permit** from the department, the owner or operator of any class IA, class IB, or class IC concentrated animal feeding operation shall provide, **in addition to all information required by the department in such an application**, the following information to the department, to the county governing body and to all adjoining property owners of property located within one and one-half times the buffer distance as specified in subsection 2 of section 640.710 for the size of the proposed facility:

- (1) The number of animals anticipated at such facility;
- (2) The waste handling plan and general layout of the facility;
- (3) The location and number of acres of such facility;
- (4) Name, address, telephone number and registered agent for further information as it relates to subdivisions (1) to (3) of this subsection;
- (5) Notice that the department will accept written comments from the public for a period of thirty days; and
- (6) The address of the regional or state office of the department.

The department shall require proof of such notification upon accepting an application for [an operating] **a construction permit** [for a new or expanded facility]. The department shall accept written comments from the public for thirty days after receipt of application for [such] **a construction permit**. **Additionally, notification that an application for a construction permit has been filed shall be sent by United States mail to all landowners residing within a three mile radius of the proposed facility at least sixty days prior to the end of the comment period.**

2. The department shall not issue [an operating] **a construction permit** to a facility described in subsection 1 of this section to engage in any activity regulated by the department unless the applicant is in compliance with sections 640.700 to 640.755.

3. The department shall **either** issue [an operating] **or deny a construction permit** or respond with a letter of comment to the owner or operator of such facility within forty-five days of receiving a completed permit application and verification of compliance with subsection 1 of this section.

**4. Upon issuance of the construction permit, the owner or operator of any class IA, class IB, or class IC concentrated animal feeding operation may commence construction of the facility. Upon completion of construction, the department shall inspect the facility to ensure compliance with the construction permit and applicable laws and rules. Upon department approval of such construction, the owner or operator may apply for an operating permit. The procedures set forth in subsections 1 and 2 of this section shall be the same procedures followed when applying for an operating permit for a new or expanded facility.**

**5. The department shall either issue or deny an operating permit or respond with a letter of comment to the owner or operator of such facility within forty-five days of receiving a completed permit application and verification of compliance with subsection 1 of this section.”; and**

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted.

President Kehoe assumed the Chair.

Senator Schupp offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 391, Page 2, Line 13, by striking the words “a three mile radius” and inserting in lieu thereof the following: “**three times the buffer distance as specified in subsection 2 of section 640.710 for the size**”.

Senator Schupp moved that the above amendment be adopted.

At the request of Senator Schupp, **SA 1** to **SA 1** was withdrawn.

Senator Hegeman offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 391, Page 1, In the Title, Lines 3-4 of the title, by striking “county health ordinances” and inserting in lieu thereof the following: “agricultural operations”; and

Further amend said bill, Page 2, Section 192.300, Line 27 of said page, by inserting after all of said line the following:

“640.715. 1. Prior to filing an application to acquire an operating permit for a new or expanded facility from the department, the owner or operator of any class IA, class IB, or class IC concentrated animal feeding operation shall provide the following information to the department, to the county governing body and to all adjoining property owners, **via certified mail**, of property located within [one and one-half] **three** times the buffer distance as specified in subsection 2 of section 640.710 for the size of the proposed facility:

(1) The number of animals anticipated at such facility;

(2) The waste handling plan and general layout of the facility;

(3) The location and number of acres of such facility;

(4) Name, address, telephone number and registered agent for further information as it relates to subdivisions (1) to (3) of this subsection;

(5) Notice that the department will accept written comments from the public for a period of thirty days; and

(6) The address of the regional or state office of the department.

The department shall require proof of such notification upon accepting an application for an operating permit for a new or expanded facility. The department shall accept written comments from the public for thirty days after receipt of application for such permit.

2. The department shall not issue an operating permit to a facility described in subsection 1 of this section to engage in any activity regulated by the department unless the applicant is in compliance with sections 640.700 to 640.755.

3. The department shall issue an operating permit or respond with a letter of comment to the owner or

operator of such facility within forty-five days of receiving a completed permit application and verification of compliance with subsection 1 of this section. **No construction on a new or expanded facility shall commence until the department has issued an operating permit to the owner or operator of such facility.**”; and

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above substitute amendment be adopted, which motion prevailed.

Senator Holsman offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 391, Page 1, Section 192.300, Line 19 of said page, by inserting after all of said line the following:

**“2. Notwithstanding the provisions of subsection 1 of this section to the contrary, any county of the state that has an elected county planning commission may impose standards or requirements through the planning and zoning process on a concentrated animal feeding operation regulated under chapter 640 that are more stringent than any provision of this chapter or chapters 260, 640, 643, or 644, or any rule or regulation promulgated under such chapters.”**; and further amend said section by renumbering the remaining subsections accordingly.

Senator Holsman moved that the above amendment be adopted.

At the request of Senator Bernskoetter, **SB 391**, with **SS** and **SA 2** (pending), was placed on the Informal Calendar.

The Senate observed a moment of silence in memory of Norma Jean Schupp.

#### SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **SCS** for **HCS** for **HB 14**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

#### RESOLUTIONS

Senator Hoskins offered Senate Resolution No. 646, regarding Dr. Roger J. Best, which was adopted.

Senator Crawford offered Senate Resolution No. 647, regarding Eagle Scout Trevor Wade Henderson, Warsaw, which was adopted.

Senator Sifton offered Senate Resolution No. 648, regarding Elizabeth Hansen, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 649, regarding Katherine Elizabeth Ransden, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 650, regarding Lee Morgan Francis, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 651, regarding Clarissa Marie Emanuel, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 652, regarding Caitlin Souers, St. Louis, which was adopted.

Senator Cunningham offered Senate Resolution No. 653, regarding Deb Boyle, West Plains, which was adopted.

On motion of Senator Rowden, the Senate recessed until 8:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Kehoe.

### **SENATE BILLS FOR PERFECTION**

Senator Romine moved that **SB 259** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Romine offered **SS** for **SB 259**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE BILL NO. 259**

An Act to repeal section 536.018, RSMo, and to enact in lieu thereof eleven new sections relating to due process proceedings at institutions of higher education.

Senator Romine moved that **SS** for **SB 259** be adopted.

Senator Nasheed offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Bill No. 259, Page 8, Section 173.1910, Line 4 of said page, by inserting immediately after the word “expense” the following: “, **and if such student cannot afford an attorney, one will be provided by the public defender’s office**”.

Senator Nasheed moved that the above amendment be adopted.

Senator Emery offered **SSA 1** for **SA 1**:

#### **SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Bill No. 259, Page 8, Section 173.1910, Line 4 of said page, by inserting immediately after the word “expense” the following: “, **and if such student cannot afford an attorney, one will be provided by the public defender’s office**”; and

Further amend said bill, page 9, section 173.1915, line 23, by inserting at the end of said line the following: “**and**”; and further amend line 24, by striking all of said line; and further renumber the remaining subdivision accordingly.

Senator Emery moved that the above amendment be adopted.

Senator Nasheed requested a roll call vote be taken on the adoption of **SSA 1** for **SA 1**. She was joined in her request by Senators Arthur, Rizzo, Schupp and Sifton.

Pursuant to Senate Rule 82, Senator Onder requested a division of the question on **SSA 1** for **SA 1**, Part I to include Lines 1-4 and Part II to include Lines 5-8.

At the request of Senator Emery, **SSA 1** for **SA 1** was withdrawn.

**SA 1** was again taken up.

Senator Nasheed moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Arthur, Emery, Schupp and Walsh.

**SA 1** failed of adoption by the following vote:

YEAS—Senators

Arthur	Holsman	May	Nasheed	Rizzo	Schupp	Sifton
Walsh	Williams—9					

NAYS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Emery
Hoskins	Koenig	Libla	Luetkemeyer	Onder	Riddle	Romine
Rowden	Schatz	Wallingford	White—18			

Absent—Senators

Eigel	Hegeman	Hough	O’Laughlin	Sater	Wieland—6
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Absent with leave—Senator Curls—1

Vacancies—None

Senator Nasheed offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 259, Page 10, Section 173.1920, Line 7 of said page, by inserting immediately after “1.” the following: “**Each commissioner of the administrative hearing commission and all employees of institutions of higher education shall annually complete a training on 20 U.S.C. Sections 1681 to 1688 that shall be provided by the attorney general’s office.**

**2.”**; and further amend said section by renumbering the remaining subsection accordingly.

Senator Nasheed moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators May, Rizzo, Schupp and Walsh.

**SA 2** failed of adoption by the following vote:

YEAS—Senators

Arthur	Holsman	May	Nasheed	Rizzo	Schupp	Sifton
Walsh	Williams—9					

NAYS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Eigel
Emery	Hoskins	Koenig	Libla	Luetkemeyer	Onder	Riddle
Romine	Rowden	Schatz	Wallingford	White—19		

Absent—Senators

Hegeman	Hough	O’Laughlin	Sater	Wieland—5
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Absent with leave—Senator Curls—1

Vacancies—None

Senator Nasheed offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 259, Page 4, Section 173.1905, Line 23, by inserting after all of said line the following:

**“8. Any final decision or order of the administrative hearing commission shall be submitted to the attorney general who shall ratify or reverse the decision or order within thirty days. The attorney general shall not conduct a new hearing and shall rely on all the evidence presented to the commission in his or her decision to ratify or reverse the decision or order.”.**

Senator Nasheed moved that the above amendment be adopted.

At the request of Senator Romine, **SB 259**, with **SS** and **SA 3** (pending), was placed on the Informal Calendar.

COMMUNICATIONS

Senator Brown offered the following:

April 16, 2019

Ms. Adriane Crouse  
Secretary of Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Crouse:

I would request that you please remove House Bill 831 from the Consent Calendar.

Thank you,

/s/ Justin D. Brown  
JUSTIN D. BROWN  
State Senator  
District 16

INTRODUCTIONS OF GUESTS

Senator Rowden introduced to the Senate, representatives of Sheltered Workshops.

Senator Crawford introduced to the Senate, Charlotte Yoakum, Kalei Wolken and Cat Bateman, Lebanon.



Senator Holsman introduced to the Senate, the Physician of the Day, Dr. Joanne Loethen, Kansas City.

Senator Williams introduced to the Senate, Nevaeh Daniels, Dariyana Pointer, Kenwyn Jones, Reuben Thomas, Jermaine Woods, Andres Rilo, Precious Hill, Jayla Fitch, Joshua Rhiney, Austin Robinson, Matt Horn, Emily Hanson and Alicia Hernández, University City High School.

Senator Brown introduced to the Senate, teacher Jim Leslie, and Adara Metz, Jalen Clyburn, Jeremy Miller, Kenton McCluskey, Antonio Daughtery, Brandon Blevins and Keith Carnahan, Maranatha Baptist Academy, St. Robert.

On behalf of Senator Brown, the President introduced to the Senate, Alberto Vincente, Ann Kramer, Rusty Warnock, Bobby Bates, Debbie Jackson, Lorri Loveall, Jennifer Gauchut, Aaron Bledsoe, Deidre Vansoyc and Reggie Miller, representatives of Lake Area Industries Extended Employment Sheltered Workshop, Camdenton.

Senator Libla introduced to the Senate, Tom Graham and Jessica Haggett, and twelve students from Westwood Baptist Academy, Poplar Bluff.

On motion of Senator Rowden, the Senate adjourned under the rules.

## SENATE CALENDAR

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FIFTY-THIRD DAY–WEDNESDAY, APRIL 17, 2019

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## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HB 159-Warren	HB 568-Black (7)
HCS for HB 844	HB 112-Sommer
HB 873-Riggs	HCS for HB 287
HCS for HB 1127	HCS for HB 301
HB 942-Wiemann	HCS for HB 379
HB 83-Hill	HCS for HB 679
HB 705-Helms	HB 966-Gregory
HB 65-Pike	HCS for HB 1094
HCS for HB 674	HB 338-Schnelting
HCS for HB 106	HB 816-Black (137)
HCS for HBs 746 & 722	HCS for HB 349
HB 606-Basye	HCS for HB 932
HB 407-Justus	HB 758-Bondon
HCS for HB 745	HB 191-Kolkmeier
HB 372-Trent	

THIRD READING OF SENATE BILLS

SCS for SB 465-Burlison (In Fiscal Oversight)	SB 11-Cunningham (In Fiscal Oversight)
SB 282-Brown (In Fiscal Oversight)	SS for SB 414-Wieland (In Fiscal Oversight)
SCS for SB 184-Wallingford (In Fiscal Oversight)	SB 333-Rizzo
SS for SCS for SB 34-Riddle (In Fiscal Oversight)	SCS for SB 203-Nasheed
	SB 88-Libla

SENATE BILLS FOR PERFECTION

1. SB 514-Sater	14. SB 189-Crawford, with SCS
2. SB 430-Libla	15. SB 385-Bernskoetter
3. SB 186-Hegeman	16. SB 409-Wieland, et al
4. SB 302-Wallingford	17. SB 437-Hoskins
5. SB 347-Burlison	18. SB 286-Hough
6. SB 439-Brown	19. SB 325-Crawford, with SCS
7. SB 303-Riddle, with SCS	20. SBs 8 & 74-Emery, with SCS
8. SB 376-Riddle	21. SB 386-O'Laughlin, with SCS
9. SB 82-Cunningham, with SCS	22. SB 272-Emery, with SCS
10. SB 161-Cunningham	23. SB 265-Luetkemeyer, with SCS
11. SB 144-Burlison, with SCS	24. SB 135-Sifton, with SCS
12. SJR 20-Koenig, with SCS	25. SB 342-Curls and Nasheed
13. SB 208-Wallingford	26. SB 424-Luetkemeyer

HOUSE BILLS ON THIRD READING

HB 188-Rehder (Luetkemeyer)	HCS for HB 677 (Cierpiot) (In Fiscal Oversight)
HB 612-Coleman (97) (Crawford)	HB 260-Taylor, with SCS (Bernskoetter) (In Fiscal Oversight)
HCS for HB 397, with SCS (Riddle)	HCS for HB 547, with SCS (Bernskoetter) (In Fiscal Oversight)
HCS for HB 225, with SCS (Romine) (In Fiscal Oversight)	
HCS for HB 255 (Cierpiot) (In Fiscal Oversight)	
HCS for HB 469 (Wallingford) (In Fiscal Oversight)	

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 1-Curls and Nasheed, with SCS	SB 154-Luetkemeyer, with SS &
SB 3-Curls	SA 2 (pending)
SB 4-Sater	SB 155-Luetkemeyer
SB 5-Sater, et al, with SCS	SB 160-Koenig, with SCS, SS for SCS &
SB 10-Cunningham, with SCS &	SA 2 (pending)
SA 1 (pending)	SB 168-Wallingford, with SCS
SB 14-Wallingford	SB 201-Romine
SB 16-Romine, with SCS, SS for SCS,	SB 205-Arthur, with SCS
SA 3 & point of order (pending)	SB 211-Wallingford
SB 19-Libla, with SA 1 (pending)	SB 222-Hough
SB 29-Hegeman, with SCS	SB 224-Luetkemeyer, with SS#2 (pending)
SB 31-Wieland	SB 225-Curls
SB 37-Onder and Nasheed, with SCS	SB 234-White
SB 39-Onder	SB 252-Wieland, with SCS
SB 44-Hoskins, with SCS &	SB 255-Bernskoetter
SS#3 for SCS (pending)	SB 259-Romine, with SS & SA 3 (pending)
SBs 46 & 50-Koenig, with SCS, SS for SCS &	SB 276-Rowden, with SCS
SA 6 (pending)	SB 278-Wallingford, with SCS
SB 49-Rowden, with SCS	SBs 279, 139 & 345-Onder and Emery, with SCS
SB 52-Eigel, with SCS	SB 292-Eigel, with SCS &
SB 56-Cierpiot, with SCS, SS for SCS &	SS#2 for SCS (pending)
SA 1 (pending)	SB 293-Hough, with SCS
SB 57-Cierpiot	SB 296-Cierpiot, with SCS
SB 62-Burlison, with SCS	SB 298-White, with SCS
SB 65-White, with SS (pending)	SB 300-Eigel
SB 69-Hough	SB 312-Eigel
SBs 70 & 128-Hough, with SCS	SB 316-Burlison
SB 76-Sater, with SCS (pending)	SB 318-Burlison
SB 78-Sater	SB 328-Burlison, with SCS
SB 97-Hegeman, with SCS	SB 332-Brown
SB 100-Riddle	SB 336-Schupp
SB 118-Cierpiot, with SCS	SB 343-Eigel, with SCS
SB 132-Emery, with SCS	SB 344-Eigel, with SCS
SB 141-Koenig	SB 349-O'Laughlin, with SCS
SB 150-Koenig, with SCS	SB 350-O'Laughlin
SBs 153 & 117-Sifton, with SCS	SB 354-Cierpiot, with SCS

SB 391-Bernskoetter, with SS & SA 2 (pending)	SJR 1-Sater and Onder
SB 412-Holsman	SJR 13-Holsman, with SCS, SS for SCS &
SB 426-Williams	SA 1 (pending)
SB 431-Schatz, with SCS	SJR 18-Cunningham

## CONSENT CALENDAR

### House Bills

Reported 4/4

HB 182-Shull (Crawford)

Reported 4/11

HCS for HBs 812 & 832 (Hoskins)  
HB 898-Walsh (Bernskoetter)

HB 926-Shawan, with SCS (Hough)

Reported 4/15

HB 655-Dinkins (Brown)

## RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 1-Walsh  
SCR 8-Holsman  
SCR 13-Emery

SCR 15-Burlison  
SCR 19-Eigel

To be Referred

HCR 34-Riggs

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# Journal of the Senate

## FIRST REGULAR SESSION

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**FIFTY-THIRD DAY—WEDNESDAY, APRIL 17, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“You, who seek God, let your heart revive.” (Psalm 69:32b)

Heavenly Father as we reach this midpoint of this week help us to spend time in silence with You and be revived in soul and mind. Let our spirit reach deep into You so that we might be of greater worth to this State and the people we serve, while gaining strength for the many tasks that confront us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

**Present—Senators**

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Onder offered Senate Resolution No. 654, regarding Kimberly Coulon, Wentzville, which was adopted.

Senator Onder offered Senate Resolution No. 655, regarding Lindsay Picha, St. Peters, which was adopted.

Senator Onder offered Senate Resolution No. 656, regarding Madison Stumpf, St. Peters, which was adopted.

Senator Onder offered Senate Resolution No. 657, regarding Reese Pecoraro, O'Fallon, which was adopted.

Senator Onder offered Senate Resolution No. 658, regarding Madelynn Dickson, St. Peters, which was adopted.

Senator Nasheed offered Senate Resolution No. 659, regarding the 2019 graduating class of Innovative Concept Academy, which was adopted.

### REFERRALS

President Pro Tem Schatz referred **HCR 34** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### SENATE BILLS FOR PERFECTION

Senator Sater moved that **SJR 1** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Sater offered **SS No. 2** for **SJR 1**, entitled:

#### SENATE SUBSTITUTE NO. 2 FOR SENATE JOINT RESOLUTION NO. 1

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 50 and 51 of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the initiative petition process.

Senator Sater moved that **SS No. 2** for **SJR 1** be adopted.

Senator Wallingford assumed the Chair.

Senator Walsh offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Joint Resolution No. 1, Page 1, In the Title, Lines 5-6 of the title, by striking "initiative petition process" and inserting in lieu thereof the following: "petition process for amending the law"; and

Further amend said resolution, Page 3, Section 51, Line 2 by inserting after all of said line the following:

"Section 52(b). The veto power of the governor shall not extend to measures referred to the people. All elections on measures referred to the people shall be had at the general state elections[, except when the general assembly shall order a special election]. Any measure referred to the people shall take effect when approved by a majority of the votes cast thereon, and not otherwise. This section shall not be construed to deprive any member of the general assembly of the right to introduce any measure."; and

Further amend the title and enacting clause accordingly.

Senator Walsh moved that the above amendment be adopted.

President Kehoe assumed the Chair.

Senator Hough assumed the Chair.

At the request of Senator Sater, **SJR 1**, with **SS No. 2** and **SA 1** (pending), was placed on the Informal Calendar.

On motion of Senator Wallingford, the Senate recessed until 2:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Hough.

**SENATE BILLS FOR PERFECTION**

Senator Hegeman moved that **SB 29**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 29**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 29**

An Act repeal sections 190.839, 198.439, 208.431, 208.432, 208.433, 208.434, 208.435, 208.436, 208.437, 208.453, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof fourteen new sections relating to reimbursement allowance assessments.

Was taken up.

Senator Hegeman moved that **SCS** for **SB 29** be adopted.

Senator Hegeman offered **SS** for **SCS** for **SB 29**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 29**

An Act to repeal sections 190.839, 198.439, 208.431, 208.432, 208.433, 208.434, 208.435, 208.436, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof thirteen new sections relating to reimbursement allowance assessments.

Senator Hegeman moved that **SS** for **SCS** for **SB 29** be adopted.

Senator Eigel offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 29, Page 1, In the Title, Lines 5-6 of said title, by striking “reimbursement allowance assessments” and inserting in lieu thereof “MO HealthNet”; and

Further amend said bill and page, section 198.439, line 10 of said page, by inserting after all of said line the following:

**“208.185. 1. Beginning January 1, 2020, MO HealthNet participants ages nineteen to sixty-four shall comply with the work and community engagement requirements under this section in order to remain eligible for MO HealthNet benefits, unless such participant is otherwise exempt from such requirements. Work and community engagement requirements shall include at least eighty hours each month of the following:**

**(1) Unsubsidized or subsidized private or public sector employment;**

**(2) Education, including vocational educational training, job skills training directly related to employment, education directly related to employment for individuals who have not received a high school diploma or certificate of high school equivalency, or satisfactory attendance at a secondary school;**

**(3) Satisfaction of work requirements for participants of temporary assistance for needy families**

or the supplemental nutrition assistance program who are also MO HealthNet participants;

(4) Participation in a substance abuse treatment program; or

(5) Any combination thereof.

2. The work and community engagement requirements under this section shall not apply to a participant who is:

(1) Under the age of nineteen or over the age of sixty-four;

(2) Pregnant or caring for a child under the age of one or otherwise a recipient of MO HealthNet services under section 208.662;

(3) A primary caregiver of a dependent child under the age of six or a dependent adult; provided, that not more than one participant may claim primary caregiver status in a household; or

(4) A participant who is also a participant of temporary assistance for needy families or the supplemental nutrition assistance program and who is exempt from the work requirements of either of those programs.

3. In order that work and community engagement requirements shall not be impossible or unduly burdensome for participants, the department may permit further exemptions from the work and community engagement requirements under this section in areas of high unemployment, limited economies or educational opportunities, or lack of public transportation, or for good cause. Good cause shall include, but not be limited to, the following circumstances:

(1) The participant has a disability as defined by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, or Section 1557 of the Patient Protection and Affordable Care Act and is unable to meet the work and community engagement requirements for reasons related to that disability;

(2) The participant has an immediate family member in the home with a disability as defined by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, or Section 1557 of the Patient Protection and Affordable Care Act and the participant is unable to meet the work and community engagement requirements for reasons related to the disability of such family member;

(3) The participant or an immediate family member in the home experiences a hospitalization or serious illness;

(4) The participant experiences the birth or death of a family member in the home;

(5) The participant experiences severe inclement weather, including a natural disaster, and is unable to meet the work and community engagement requirements; and

(6) The participant experiences a family emergency or other life-changing event, including divorce or domestic violence.

4. The department shall provide reasonable accommodations for participants with disabilities as defined by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, or Section 1557 of the Patient Protection and Affordable Care Act, as necessary, to enable such participants an equal opportunity to participate in and benefit from the work and community engagement requirements under this section. Reasonable accommodations shall include, but not be limited to, the following:

(1) Exemption from the work and community engagement requirements when the participant is unable to comply for reasons relating to his or her disability;

(2) Modification in the number of hours of work and community engagement required when a



participant is unable to comply with the required number of hours; and

**(3) Provision of support services necessary for compliance, when compliance is possible with such supports.**

**5. The department may promulgate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.**

**6. The department shall seek all appropriate waivers and state plan amendments from the federal Department of Health and Human Services necessary to implement the provisions of this section. The provisions of this section shall not be implemented unless such waivers and state plan amendments are approved.”; and**

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Burlison, Hoskins, Koenig and Onder.

Senator Eigel offered **SSA 1 to SA 1:**

**SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 29, Page 1, In the Title, Lines 5-6 of said title, by striking “reimbursement allowance assessments” and inserting in lieu thereof “MO HealthNet”; and

Further amend said bill and page, section 198.439, line 10 of said page, by inserting after all of said line the following:

**“208.185. 1. Beginning January 1, 2020, MO HealthNet participants ages nineteen to sixty-four shall comply with the work and community engagement requirements under this section in order to remain eligible for MO HealthNet benefits, unless such participant is otherwise exempt from such requirements. Work and community engagement requirements shall include at least eighty hours each month of the following:**

**(1) Unsubsidized or subsidized private or public sector employment;**

**(2) Education, including vocational educational training, job skills training directly related to employment, education directly related to employment for individuals who have not received a high school diploma or certificate of high school equivalency, or satisfactory attendance at a secondary school;**

**(3) Community service;**

**(4) Job search and job readiness assistance;**

**(5) Provision of child care services to an individual who is participating in a community service program;**

**(6) Satisfaction of work requirements for participants of temporary assistance for needy families or the supplemental nutrition assistance program who are also MO HealthNet participants;**

**(7) Participation in a substance abuse treatment program; or**

**(8) Any combination thereof.**

**2. The work and community engagement requirements under this section shall not apply to a participant who is:**

**(1) Under the age of nineteen or over the age of sixty-four;**

**(2) Medically frail, including individuals:**

**(a) With disabling mental disorders; or**

**(b) With serious and complex medical conditions;**

**(3) Pregnant or caring for a child under the age of one or otherwise a recipient of MO HealthNet services under section 208.662;**

**(4) A primary caregiver of a dependent child under the age of six or a dependent adult; provided, that not more than one participant may claim primary caregiver status in a household; or**

**(5) A participant who is also a participant of temporary assistance for needy families or the supplemental nutrition assistance program and who is exempt from the work requirements of either of those programs.**

**3. In order that work and community engagement requirements shall not be impossible or unduly burdensome for participants, the department may permit further exemptions from the work and community engagement requirements under this section in areas of high unemployment, limited economies or educational opportunities, or lack of public transportation, or for good cause. Good cause shall include, but not be limited to, the following circumstances:**

**(1) The participant has a disability as defined by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, or Section 1557 of the Patient Protection and Affordable Care Act and is unable to meet the work and community engagement requirements for reasons related to that disability;**

**(2) The participant has an immediate family member in the home with a disability as defined by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, or Section 1557 of the Patient Protection and Affordable Care Act and the participant is unable to meet the work and community engagement requirements for reasons related to the disability of such family member;**

**(3) The participant or an immediate family member in the home experiences a hospitalization or serious illness;**

**(4) The participant experiences the birth or death of a family member in the home;**

**(5) The participant experiences severe inclement weather, including a natural disaster, and is unable to meet the work and community engagement requirements; and**

**(6) The participant experiences a family emergency or other life-changing event, including divorce or domestic violence.**

**4. The department shall provide reasonable accommodations for participants with disabilities as defined by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, or Section 1557 of the Patient Protection and Affordable Care Act, as necessary, to enable such participants an equal opportunity to participate in and benefit from the work and community engagement requirements under this section. Reasonable accommodations shall include, but not be limited to, the following:**

**(1) Exemption from the work and community engagement requirements when the participant is**

unable to comply for reasons relating to his or her disability;

(2) Modification in the number of hours of work and community engagement required when a participant is unable to comply with the required number of hours; and

(3) Provision of support services necessary for compliance, when compliance is possible with such supports.

5. The department may promulgate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

6. The department shall seek all appropriate waivers and state plan amendments from the federal Department of Health and Human Services necessary to implement the provisions of this section. The provisions of this section shall not be implemented unless such waivers and state plan amendments are approved.”; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Burlison, Hoskins, Koenig and Onder.

Senator Eigel offered SA 1 to SSA 1 for SA 1:

SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Bill No. 29, Page 2, Section 208.185, Line 14, by striking the word “or”; and further amend said page and section, line 15, by inserting after all of said line the following:

“(c) With a physical, intellectual, or developmental disability that significantly impairs their ability to perform one or more activities of daily living; or

(d) With a disability determination based on criteria under the Social Security Act, including a current determination by the department of social services that he or she is permanently or totally disabled;”.

Senator Eigel moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Emery, Hoskins, O’Laughlin and Wallingford.

SA 1 to SSA 1 for SA 1 failed of adoption by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Eigel	Emery	Hoskins	Koenig
Luetkemeyer	O’Laughlin	Onder	Romine	Sater	Wallingford—13	

NAYS—Senators

Arthur	Cierpiot	Crawford	Cunningham	Curls	Hegeman	Holsman
Hough	Libla	May	Nasheed	Riddle	Rizzo	Rowden
Schatz	Schupp	Sifton	Walsh	White	Wieland	Williams—21

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

**SSA 1 for SA 1** was again taken up.

**SSA 1 for SA 1** failed of adoption by the following vote:

YEAS—Senators

Brown	Burlison	Eigel	Emery	Hoskins	Koenig	Luetkemeyer
O’Laughlin	Onder	Romine	Sater	Wallingford—12		

NAYS—Senators

Arthur	Bernskoetter	Cierpiot	Crawford	Cunningham	Curls	Hegeman
Holsman	Hough	Libla	May	Nasheed	Riddle	Rizzo
Rowden	Schatz	Schupp	Sifton	Walsh	White	Wieland
Williams—22						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

**SA 1** was again taken up.

**SA 1** failed of adoption by the following vote:

YEAS—Senators

Brown	Burlison	Eigel	Emery	Hoskins	Koenig	Luetkemeyer
O’Laughlin	Onder	Romine	Sater	Wallingford—12		

NAYS—Senators

Arthur	Bernskoetter	Cierpiot	Crawford	Cunningham	Curls	Hegeman
Holsman	Hough	Libla	May	Nasheed	Riddle	Rizzo
Rowden	Schatz	Schupp	Sifton	Walsh	White	Wieland
Williams—22						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

At the request of Senator Hegeman, **SB 29**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Riddle moved that **SB 100**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SS** for **SB 100**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 100

An Act to amend chapter 516, RSMo, by adding thereto one new section relating to statutes of limitations.

Senator Riddle moved that **SS** for **SB 100** be adopted.

Senator Brown assumed the Chair.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

At the request of Senator Riddle, **SB 100**, with **SS** (pending), was placed on the Informal Calendar.

**RESOLUTIONS**

Senator Romine offered Senate Resolution No. 660, regarding Barry Grundmann, Bismarck, which was adopted.

Senator Romine offered Senate Resolution No. 661, regarding Karen R. Knowles, Bismarck, which was adopted.

Senator Romine offered Senate Resolution No. 662, regarding Cheryl A. Stewart, Festus, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 663, regarding Dr. Steven D. Brushwood, which was adopted.

Senator White offered Senate Resolution No. 664, regarding Marilyn Ruestman, Newton County, which was adopted.

**INTRODUCTIONS OF GUESTS**

Senator Emery introduced to the Senate, Kimberlee Gill, Kennedy Cooper, Ryan Wagdy, Katie Heard and Brandon Self, Summit Christian Academy, Lee's Summit; and Lydia Young, Drew Hofstetter, Rachel Smith, Don Coons and Emmi Windes, Cross Point Christian School, Villa Ridge.

Senator Williams introduced to the Senate, Andwele Jolly, Roniece Patton, Sherrie Britts, Rosemary Britts, Sonya Taylor, Ashley Kuechler and Jade Jones, representatives of the Sickie Cell Association, St. Louis.

Senator Hoskins introduced to the Senate, Sheethal Velamarthi, and Duane and Pat Sterling, Warrensburg.

Senator Arthur introduced to the Senate, Kennedy Graham, Liberty.

Senator Brown introduced to the Senate, Gage Mitchusson, Sean Wilson, Macey Whitaker, Kylah Lowe,

Cailin Carnahan, Andy Offutt and Randy Becht, Waynesville and St. Robert Rotary Clubs.

Senator Schupp introduced to the Senate, students from St. Francis Cabrini School, St. Louis.

Senator Schupp introduced to the Senate, Sean O'Brien, Frontenac.

Senator Bernskoetter introduced to the Senate, teacher Renee Phillips and third-grade students from Clarksburg C-2 Elementary School.

Senator Burlison introduced to the Senate, Brigid Farrar, Strafford.

Senator Walsh introduced to the Senate, Steve Zeigler, Lynn Hogan, Craig Mattis, Terra Klucker and Emily Ploch, St. Louis.

Senator Cunningham introduced to the Senate, Head Coach Cecil Meyer and the Class 2 State Champion Lady Bobcats Basketball team, Thayer.

Senator Crawford introduced to the Senate, Activities Director Todd Schrader, Head Coach Ron Bandy, Coach Jennifer Bandy, and Anna Bandy, Mackenzie Duncan, Cora Stimpson, Jillian Porter, Sarah Green, Emily Bandy, London Wilson, Alice Meadows, Hailey Taylor and Shaylee Goodman, Class 3 State Champion Bolivar High School Lady Liberator Cross Country team.

Senator Schupp introduced to the Senate, Teacher of the Year Shelly Parks, and Anne McPartland and Paul Twombly, Francis Howell School District, St. Charles.

On behalf of Senator Wallingford, the President introduced to the Senate, Principal Shawn Nix, and twenty-six third-grade students from Oak Ridge Elementary School.

Senator Williams introduced to the Senate, Monnie Brodbeck, Ronan Smith, Eva Lemon and Max McGuire, St. Louis.

Senator Rowden introduced to the Senate, representatives of Leadership Columbia.

Senator Schupp introduced to the Senate, Oscar Sorkin, Town and Country; and Kiran Hunt and Maya McConnell, St. Louis.

Senator Brown introduced to the Senate, his mother- and father-in-law, Steve and Sherry Heavin, Edgar Springs.

Senator Luetkemeyer introduced to the Senate, Ron and Beth Bachman, St. Joseph.

Senator May introduced to the Senate, sixth-grade students from The College School, Webster Groves.

Senator Hoskins introduced to the Senate, Chris, Alex and Edie Bauer, Loose Creek.

Senator Williams introduced to the Senate, the Physician of the Day, Dr. Gary Gaddis, University City.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

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FIFTY-FOURTH DAY—THURSDAY, APRIL 18, 2019

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FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 159-Warren	HB 568-Black (7)
HCS for HB 844	HB 112-Sommer
HB 873-Riggs	HCS for HB 287
HCS for HB 1127	HCS for HB 301
HB 942-Wiemann	HCS for HB 379
HB 83-Hill	HCS for HB 679
HB 705-Helms	HB 966-Gregory
HB 65-Pike	HCS for HB 1094
HCS for HB 674	HB 338-Schnelting
HCS for HB 106	HB 816-Black (137)
HCS for HBs 746 & 722	HCS for HB 349
HB 606-Basye	HCS for HB 932
HB 407-Justus	HB 758-Bondon
HCS for HB 745	HB 191-Kolkmeyer
HB 372-Trent	

THIRD READING OF SENATE BILLS

SCS for SB 465-Burlison (In Fiscal Oversight)	SB 11-Cunningham (In Fiscal Oversight)
SB 282-Brown (In Fiscal Oversight)	SS for SB 414-Wieland (In Fiscal Oversight)
SCS for SB 184-Wallingford (In Fiscal Oversight)	SB 333-Rizzo
SS for SCS for SB 34-Riddle (In Fiscal Oversight)	SCS for SB 203-Nasheed
	SB 88-Libla

SENATE BILLS FOR PERFECTION

- |                       |                               |
|-----------------------|-------------------------------|
| 1. SB 514-Sater       | 6. SB 439-Brown               |
| 2. SB 430-Libla       | 7. SB 303-Riddle, with SCS    |
| 3. SB 186-Hegeman     | 8. SB 376-Riddle              |
| 4. SB 302-Wallingford | 9. SB 82-Cunningham, with SCS |
| 5. SB 347-Burlison    | 10. SB 161-Cunningham         |

- |                               |                                  |
|-------------------------------|----------------------------------|
| 11. SB 144-Burlison, with SCS | 19. SB 325-Crawford, with SCS    |
| 12. SJR 20-Koenig, with SCS   | 20. SBs 8 & 74-Emery, with SCS   |
| 13. SB 208-Wallingford        | 21. SB 386-O'Laughlin, with SCS  |
| 14. SB 189-Crawford, with SCS | 22. SB 272-Emery, with SCS       |
| 15. SB 385-Bernskoetter       | 23. SB 265-Luetkemeyer, with SCS |
| 16. SB 409-Wieland, et al     | 24. SB 135-Sifton, with SCS      |
| 17. SB 437-Hoskins            | 25. SB 342-Curls and Nasheed     |
| 18. SB 286-Hough              | 26. SB 424-Luetkemeyer           |

### HOUSE BILLS ON THIRD READING

- |   |   |
|---|---|
| HB 188-Rehder (Luetkemeyer)                     | HCS for HB 677 (Cierpiot)               |
| HB 612-Coleman (97) (Crawford)                  | (In Fiscal Oversight)                   |
| HCS for HB 397, with SCS (Riddle)               | HB 260-Taylor, with SCS (Bernskoetter)  |
| HCS for HB 225, with SCS (Romine)               | (In Fiscal Oversight)                   |
| (In Fiscal Oversight)                           | HCS for HB 547, with SCS (Bernskoetter) |
| HCS for HB 255 (Cierpiot) (In Fiscal Oversight) | (In Fiscal Oversight)                   |
| HCS for HB 469 (Wallingford)                    |   |
| (In Fiscal Oversight)                           |   |

### INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

- |   |  |
|---|--|
| SB 1-Curls and Nasheed, with SCS            | SBs 46 & 50-Koenig, with SCS, SS for SCS |
| SB 3-Curls                                  | & SA 6 (pending)                         |
| SB 4-Sater                                  | SB 49-Rowden, with SCS                   |
| SB 5-Sater, et al, with SCS                 | SB 52-Eigel, with SCS                    |
| SB 10-Cunningham, with SCS & SA 1 (pending) | SB 56-Cierpiot, with SCS, SS for SCS &   |
| SB 14-Wallingford                           | SA 1 (pending)                           |
| SB 16-Romine, with SCS, SS for SCS, SA 3    | SB 57-Cierpiot                           |
| & point of order (pending)                  | SB 62-Burlison, with SCS                 |
| SB 19-Libla, with SA 1 (pending)            | SB 65-White, with SS (pending)           |
| SB 29-Hegeman, with SCS & SS for SCS        | SB 69-Hough                              |
| (pending)                                   | SBs 70 & 128-Hough, with SCS             |
| SB 31-Wieland                               | SB 76-Sater, with SCS (pending)          |
| SB 37-Onder and Nasheed, with SCS           | SB 78-Sater                              |
| SB 39-Onder                                 | SB 97-Hegeman, with SCS                  |
| SB 44-Hoskins, with SCS & SS#3 for SCS      | SB 100-Riddle, with SS (pending)         |
| (pending)                                   | SB 118-Cierpiot, with SCS                |



SB 132-Emery, with SCS	SB 293-Hough, with SCS
SB 141-Koenig	SB 296-Cierpiot, with SCS
SB 150-Koenig, with SCS	SB 298-White, with SCS
SBs 153 & 117-Sifton, with SCS	SB 300-Eigel
SB 154-Luetkemeyer, with SS & SA 2 (pending)	SB 312-Eigel
SB 155-Luetkemeyer	SB 316-Burlison
SB 160-Koenig, with SCS, SS for SCS & SA 2 (pending)	SB 318-Burlison
SB 168-Wallingford, with SCS	SB 328-Burlison, with SCS
SB 201-Romine	SB 332-Brown
SB 205-Arthur, with SCS	SB 336-Schupp
SB 211-Wallingford	SB 343-Eigel, with SCS
SB 222-Hough	SB 344-Eigel, with SCS
SB 224-Luetkemeyer, with SS#2 (pending)	SB 349-O'Laughlin, with SCS
SB 225-Curls	SB 350-O'Laughlin
SB 234-White	SB 354-Cierpiot, with SCS
SB 252-Wieland, with SCS	SB 391-Bernskoetter, with SS & SA 2 (pending)
SB 255-Bernskoetter	SB 412-Holsman
SB 259-Romine, with SS & SA 3 (pending)	SB 426-Williams
SB 276-Rowden, with SCS	SB 431-Schatz, with SCS
SB 278-Wallingford, with SCS	SJR 1-Sater and Onder, with SS#2 & SA 1 (pending)
SBs 279, 139 & 345-Onder and Emery, with SCS	SJR 13-Holsman, with SCS, SS for SCS & SA 1 (pending)
SB 292-Eigel, with SCS & SS#2 for SCS (pending)	SJR 18-Cunningham

#### CONSENT CALENDAR

##### House Bills

Reported 4/4

HB 182-Shull (Crawford)

Reported 4/11

HCS for HBs 812 & 832 (Hoskins)  
HB 898-Walsh (Bernskoetter)

HB 926-Shawan, with SCS (Hough)

Reported 4/15

HB 655-Dinkins (Brown)

RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 1-Walsh  
SCR 8-Holsman  
SCR 13-Emery

SCR 15-Burlison  
SCR 19-Eigel

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# Journal of the Senate

## FIRST REGULAR SESSION

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**FIFTY-FOURTH DAY—THURSDAY, APRIL 18, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“But be glad and rejoice forever in what I am creating...” (Isaiah 65:18a)

Gracious God we have entered the triduum of this holy week and we are grateful for this time to enrich our souls and move closer to You. We thank You for the nourishment of this special time in our spiritual lives and for Your recreating word that we might always be mindful of what is truly important to You and for us. Watch we pray our going out and coming in this day bringing us safely home. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

**Present—Senators**

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

**Absent—Senators—None**

**Absent with leave—Senators—None**

**Vacancies—None**

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Rowden offered Senate Resolution No. 665, regarding Abigail Rathert, Ashland, which was

adopted.

Senator Rowden offered Senate Resolution No. 666, regarding Rebecca Sjostrand, Hartsburg, which was adopted.

Senator Romine offered Senate Resolution No. 667, regarding Hannah Allen, Potosi, which was adopted.

Senator Wallingford offered Senate Resolution No. 668, regarding Sara Gholson, Jackson, which was adopted.

Senator Wallingford offered Senate Resolution No. 669, regarding Elizabeth Green, Cape Girardeau, which was adopted.

Senator Wallingford offered Senate Resolution No. 670, regarding Emily Smith, Jackson, which was adopted.

Senator Crawford offered Senate Resolution No. 671, regarding Chase Ratliff, which was adopted.

Senator Wieland offered Senate Resolution No. 672, regarding Joy Kassel, Fenton, which was adopted.

President Pro Tem Schatz assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Romine, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 169**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HB 219**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Libla, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 831**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HCS** for **HB 694**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HCS No. 2** for **HB 499**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Emery, Chairman of the Committee on Government Reform, submitted the following reports:

Mr. President: Your Committee on Government Reform, to which was referred **HCS** for **HB 192**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **HB 485**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **HCS** for **HB 564**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Walsh, Chairman of the Committee on Progress and Development, submitted the following report:

Mr. President: Your Committee on Progress and Development, to which was referred **HCS** for **HB 678**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Onder, Chairman of the Committee on Health and Pensions, submitted the following reports:

Mr. President: Your Committee on Health and Pensions, to which was referred **HCS** for **HB 399**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health and Pensions, to which was referred **HB 126**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health and Pensions, to which was referred **HB 138**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hoskins, Chairman of the Committee on Small Business and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business and Industry, to which was referred **HB 332**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business and Industry, to which was referred **HCS** for **HBs 243** and **544**, begs leave to report that it has considered the same and recommends that the Senate

Committee Substitute, hereto attached, do pass.

Senator Koenig, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS for HB 220**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crawford, Chairman of the Committee on Local Government and Elections, submitted the following report:

Mr. President: Your Committee on Local Government and Elections, to which was referred **HB 821**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator White, Chairman of the Committee on Veterans and Military Affairs, submitted the following report:

Mr. President: Your Committee on Veterans and Military Affairs, to which was referred **HB 565**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following report:

Mr. President: Your Committee on Professional Registration, to which was referred **HCS for HB 447**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Luetkemeyer, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 113**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **SS for SB 414; HCS for HB 547, with SCS; HCS for HB 255; HCS for HB 677; HCS for HB 469; HB 260, with SCS; HCS for HB 225, with SCS; SB 282; SCS for SB 184; SS for SCS for SB 34; and SB 11**, begs leave to report that it has considered the same and recommends that the bills do pass.

President Kehoe assumed the Chair.

### **CONCURRENT RESOLUTIONS**

Senator Walsh moved that **SCR 1** be taken up for adoption, which motion prevailed.

Senator Rowden assumed the Chair.

Senator Luetkemeyer assumed the Chair.

On motion of Senator Walsh, **SCR 1** was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Hegeman
Holsman	Hoskins	Hough	Koenig	Libla	May	Nasheed
O’Laughlin	Riddle	Rizzo	Romine	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—26		

NAYS—Senators

Burlison	Eigel	Emery	Luetkemeyer	Rowden—5
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Absent—Senator Sater—1

Absent with leave—Senators

Curls	Onder—2
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Vacancies—None

Senator Rowden assumed the Chair.

### THIRD READING OF SENATE BILLS

**SB 282**, introduced by Senator Brown, entitled:

An Act to repeal sections 193.145, 193.265, 194.119, 194.265, and 333.011, RSMo, and to enact in lieu thereof six new sections relating to the disposition of human remains.

Was taken up.

On motion of Senator Brown, **SB 282** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Crawford	Cunningham	Eigel
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O’Laughlin	Riddle	Rizzo	Romine
Rowden	Schatz	Schupp	Sifton	Wallingford	Walsh	White
Wieland	Williams—30					

NAYS—Senators—None

Absent—Senators

Cierpiot	Sater—2
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Absent with leave—Senators

Curls	Onder—2
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Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Wallingford moved that motion lay on the table, which motion prevailed.

**SCS for SB 184**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 184

An Act to repeal sections 620.800, 620.803, 620.806, 620.809, and 620.2475, RSMo, and to enact in lieu thereof five new sections relating to job training.

Was taken up by Senator Wallingford.

On motion of Senator Wallingford, **SCS for SB 184** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Crawford	Cunningham	Emery
Hegeman	Holsman	Hoskins	Hough	Koenig	Libla	Luetkemeyer
May	Nasheed	O’Laughlin	Riddle	Rizzo	Romine	Rowden
Schatz	Schupp	Sifton	Wallingford	Walsh	White	Wieland
Williams—29						

NAYS—Senator Eigel—1

Absent—Senators

Cierpiot                      Sater—2

Absent with leave—Senators

Curls                      Onder—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Schatz moved that motion lay on the table, which motion prevailed.

**SS for SCS for SB 34**, introduced by Senator Riddle, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 34

An Act to repeal sections 58.095, 58.451, 58.720, 193.145, and 193.265, RSMo, and to enact in lieu thereof seven new sections relating to coroners.

Was taken up.

On motion of Senator Riddle, **SS for SCS for SB 34** was read the 3rd time and passed by the following vote:



YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Crawford	Cunningham	Eigel
Hegeman	Holsman	Hoskins	Hough	Koenig	Libla	Luetkemeyer
May	Nasheed	O’Laughlin	Riddle	Rizzo	Romine	Rowden
Schatz	Schupp	Sifton	Wallingford	Walsh	White	Wieland

Williams—29

NAYS—Senator Emery—1

Absent—Senators

Cierpiot Sater—2

Absent with leave—Senators

Curls Onder—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Wallingford moved that motion lay on the table, which motion prevailed.

**SB 11**, introduced by Senator Cunningham, entitled:

An Act to repeal section 208.225, RSMo, and to enact in lieu thereof one new section relating to Medicaid per diem reimbursement rates.

Was taken up.

On motion of Senator Cunningham, **SB 11** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Riddle	Rizzo
Romine	Rowden	Schatz	Schupp	Sifton	Wallingford	Walsh

White Wieland Williams—31

NAYS—Senators—None

Absent—Senator Sater—1

Absent with leave—Senators

Curls Onder—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Wallingford moved that motion lay on the table, which motion prevailed.

**SS for SB 414**, introduced by Senator Wieland, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 414

An Act to amend chapter 376, RSMo, by adding thereto two new sections relating to innovations in health insurance, with an emergency clause.

Was taken up.

On motion of Senator Wieland, **SS for SB 414** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Riddle	Rizzo
Romine	Rowden	Schatz	Schupp	Wallingford	Walsh	White
Wieland	Williams—30					

NAYS—Senator Sifton—1

Absent—Senator Sater—1

Absent with leave—Senators

Curls                      Onder—2

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O’Laughlin	Riddle	Rizzo	Romine
Rowden	Schatz	Schupp	Wallingford	Walsh	White	Wieland
Williams—29						

NAYS—Senator Sifton—1

Absent—Senators

Eigel                      Sater—2

Absent with leave—Senators

Curls                      Onder—2

Vacancies—None

On motion of Senator Wieland, title to the bill was agreed to.

Senator Wieland moved that the vote by which the bill passed be reconsidered.

Senator Wallingford moved that motion lay on the table, which motion prevailed.

**SB 333**, introduced by Senator Rizzo, entitled:

An Act to repeal section 321.242, RSMo, and to enact in lieu thereof one new section relating to a sales tax for fire protection.

Was taken up.

On motion of Senator Rizzo, **SB 333** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Cierpiot	Crawford	Cunningham	Hegeman	Holsman
Hoskins	Hough	Libla	Luetkemeyer	May	Nasheed	O’Laughlin
Riddle	Rizzo	Romine	Rowden	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—26		

NAYS—Senators

Brown	Burlison	Eigel	Emery	Koenig—5
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Absent—Senator Sater—1

Absent with leave—Senators

Curls	Onder—2
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Vacancies—None

The President declared the bill passed.

On motion of Senator Rizzo, title to the bill was agreed to.

Senator Rizzo moved that the vote by which the bill passed be reconsidered.

Senator Wallingford moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 203**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 203

An Act to repeal sections 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, and 82.1031, RSMo, and to enact in lieu thereof four new sections relating to property regulations in certain cities and counties.

Was taken up by Senator Nasheed.

On motion of Senator Nasheed, **SCS** for **SB 203** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Cierpiot	Crawford	Cunningham	Emery	Hegeman
Holsman	Hoskins	Hough	Koenig	Libla	Luetkemeyer	May
Nasheed	O’Laughlin	Riddle	Rizzo	Romine	Rowden	Schatz

Schupp                      Sifton                      Wallingford                      Walsh                      White                      Wieland                      Williams—28

NAYS—Senators

Brown                      Burlison                      Eigel—3

Absent—Senator Sater—1

Absent with leave—Senators

Curls                      Onder—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Nasheed, title to the bill was agreed to.

Senator Nasheed moved that the vote by which the bill passed be reconsidered.

Senator Wallingford moved that motion lay on the table, which motion prevailed.

**SB 88**, introduced by Senator Libla, entitled:

An Act to repeal section 210.160, RSMo, and to enact in lieu thereof two new sections relating to guardians ad litem.

Was taken up.

On motion of Senator Libla, **SB 88** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Rizzo	Romine
Rowden	Schatz	Schupp	Sifton	Wallingford	Walsh	White
Wieland	Williams—30					

NAYS—Senators—None

Absent—Senators

Riddle                      Sater—2

Absent with leave—Senators

Curls                      Onder—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Libla, title to the bill was agreed to.

Senator Libla moved that the vote by which the bill passed be reconsidered.

Senator Wallingford moved that motion lay on the table, which motion prevailed.

Senator Luetkemeyer assumed the Chair.

### HOUSE BILLS ON THIRD READING

**HB 182**, introduced by Representative Shull (16), entitled:

An Act to repeal section 374.191, RSMo, and to enact in lieu thereof one new section relating to interest rates on payments by insurers.

Was called from the Consent Calendar and taken up by Senator Crawford.

On motion of Senator Crawford, **HB 182** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Riddle	Rizzo
Romine	Rowden	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

#### NAYS—Senators—None

Absent—Senator Sater—1

#### Absent with leave—Senators

Curls                      Onder—2

#### Vacancies—None

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**HCS for HBs 812 and 832**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto two new sections relating to the designation of memorial highways.

Was called from the Consent Calendar and taken up by Senator Hoskins.

On motion of Senator Hoskins, **HCS for HBs 812 and 832** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Riddle	Rizzo
Romine	Rowden	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

#### NAYS—Senators—None

Absent—Senator Sater—1

Absent with leave—Senators

Curls Onder—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Hoskins, title to the bill was agreed to.

Senator Hoskins moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**HB 898**, introduced by Representative Walsh, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the establishment of a special license plate.

Was called from the Consent Calendar and taken up by Senator Bernskoetter.

On motion of Senator Bernskoetter, **HB 898** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Riddle	Rizzo
Romine	Rowden	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senator Sater—1

Absent with leave—Senators

Curls Onder—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Bernskoetter, title to the bill was agreed to.

Senator Bernskoetter moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**HB 926**, introduced by Representative Shawan, with **SCS**, entitled:

An Act to repeal section 301.560, RSMo, and to enact in lieu thereof one new section relating to dealer license plates.

Was called from the Consent Calendar and taken up by Senator Hough.

**SCS for HB 926**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 926

An Act to repeal section 301.560, RSMo, and to enact in lieu thereof three new sections relating to license plates.

Was taken up.

Senator Hough moved that **SCS for HB 926** be adopted, which motion prevailed.

On motion of Senator Hough, **SCS for HB 926** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Riddle
Rizzo	Romine	Rowden	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senator Sater—1

Absent with leave—Senator Onder—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hough, title to the bill was agreed to.

Senator Hough moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Rowden assumed the Chair.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 937**, entitled:

An Act to repeal section 105.470, RSMo, and to enact in lieu thereof one new section relating to lobbyists.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HB 930**, entitled:

An Act to repeal section 34.040, RSMo, and to enact in lieu thereof one new section relating to authorizing the commissioner of administration to conduct reverse auctions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 769**, entitled:

An Act to repeal section 27.010, RSMo, and to enact in lieu thereof one new section relating to the attorney general.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1057**, entitled:

An Act to repeal section 192.667, RSMo, and to enact in lieu thereof one new section relating to infection control data reporting.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 186**, entitled:

An Act to amend chapter 516, RSMo, by adding thereto one new section relating to statutes of limitations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HBs 281 & 570**, entitled:

An Act to repeal section 171.033, RSMo, and to enact in lieu thereof one new section relating to alternative methods of instruction for schools.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has



taken up and passed **HCS** for **HB 749**, entitled:

An Act to repeal section 304.153, RSMo, and to enact in lieu thereof one new section relating to motor vehicle tows.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1062**, entitled:

An Act to repeal section 523.262, RSMo, and to enact in lieu thereof one new section relating to eminent domain.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1206**, entitled:

An Act to repeal section 253.080, RSMo, and to enact in lieu thereof two new sections relating to state parks.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1151**, entitled:

An Act to repeal sections 217.735, 559.106, 589.400, 589.401, and 589.414, RSMo, and to enact in lieu thereof five new sections relating to the registration of sexual offenders.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 756**, entitled:

An Act to repeal section 376.690, RSMo, and to enact in lieu thereof one new section relating to unanticipated out-of-network health care services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HB 943**, entitled:

An Act to repeal section 326.289, RSMo, and to enact in lieu thereof two new sections relating to consumer protections for preparation of financial documents.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 951**, entitled:

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to the inspection of grounds or facilities used for certain agricultural purposes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

#### **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HB 159**—Transportation, Infrastructure and Public Safety.

**HCS for HB 844**—Small Business and Industry.

**HB 873**—Transportation, Infrastructure and Public Safety.

**HCS for HB 1127**—Agriculture, Food Production and Outdoor Resources.

**HB 942**—Insurance and Banking.

**HB 83**—Insurance and Banking.

**HB 705**—Professional Registration.

**HB 65**—General Laws.

**HCS for HB 674**—Local Government and Elections.

**HCS for HB 106**—Professional Registration.

**HCS for HBs 746 & 722**—Judiciary and Civil and Criminal Jurisprudence.

**HB 606**—Government Reform.

**HB 407**—Agriculture, Food Production and Outdoor Resources.

**HCS for HB 745**—Judiciary and Civil and Criminal Jurisprudence.

**HB 372**—Small Business and Industry.

**HB 568**—Local Government and Elections.

**HB 112**—Education.

**HCS for HB 287**—Commerce, Consumer Protection, Energy and the Environment.

**HCS for HB 301**—Professional Registration.

**HCS for HB 379**—Local Government and Elections.

**HCS for HB 679**—Transportation, Infrastructure and Public Safety.

**HB 966**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 1094**—Ways and Means.

**HB 338**—General Laws.

**HB 816**—Professional Registration.

**HCS for HB 349**—Professional Registration.

**HCS for HB 932**—Seniors, Families and Children.

**HB 758**—Health and Pensions.

**HB 191**—Transportation, Infrastructure and Public Safety.

### **RESOLUTIONS**

Senator Riddle offered Senate Resolution No. 673, regarding Old Monroe, which was adopted.

Senator Riddle offered Senate Resolution No. 674, regarding KWRE 730 AM, Warrenton, which was adopted.

Senator Emery offered Senate Resolution No. 675, regarding Mason Anthony Komer, Clinton, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Brown introduced to the Senate, Public Administrator Loretta Rouse, Pulaski County; Public Administrator Kathy Oliver, Phelps County; and Public Administrator Franky Todd, Crawford County.

Senator Wallingford introduced to the Senate, Kenlee Montgomery, Abbie Sullens, Libby Mooney, Zach Link, Daniel Bathe and Michael Graham, Farm Bureau Youth Leadership FFA, Madison County.

Senator Bernskoetter introduced to the Senate, county public administrators from across the state.

Senator Riddle introduced to the Senate, Advisor Jason Vandivort; and Ben Smith, Kaitlin Tapley, Meghan Moyer and Olivia Dietrich, Elsberry FFA.

Senator Riddle introduced to the Senate, Advisor Shera Dameron; and Colin Wilburn, Caden Wilburn, Paige Dameron, Lauren Shaw and Claire Motley, Van-Far FFA.

Senator Brown introduced to the Senate, Advisor Matt Schroer; and Chloe Moss, Colby McGuire and Dalton Whittle, Crocker FFA.

Senator Crawford introduced to the Senate, Megan Richner, Reagan Kennon, Lauren Ford, Shanae Potts, Alexis Barnett, Sawyer Williams and Andrew Russell, Missouri Farm Bureau Youth Leadership, Cedar County.

Senator Crawford introduced to the Senate, Emily Whipple, Windyville.

Senator Cunningham introduced to the Senate, Kaitlyn Davis, her parents, Joe and Amanda, and Kataryna and Kage, Texas County.

Senator Libla introduced to the Senate, Advisor Veronica Hollis, and Conner Hollis, Blue Crider and Hunter Clark, Farm Bureau Youth Leadership, Van Buren.

Senator Riddle introduced to the Senate, Advisors Ashley Kendrick and Joni Fields; and Charlie Vitt, Andrea Callison and Marlena Long, Paris FFA; and Miranda Breid and Lexi Wolfe, Madison FFA.

Senator Emery introduced to the Senate, Jason Dieckhoff; and Britaini Bronson, Ethan Kohl, Mackenzie Porter and Michelle Marrs, Cass County FFA.

Senator Emery introduced to the Senate, Sharon Arnold and Mary Fischer; and Kameran Collier, Kiley Foster, Olivia Bagby, Destiny Long, Miranda Petty and Case Doody, Farm Bureau Youth Leadership Day, Bates County.

Senator Brown introduced to the Senate, Jim Sherrell, Charlie Bassett and Livey Henderson, Dixon; Kelsi Kinney and Trever Smith, Macks Creek; Skylar Shepherd and Carli Morrow, Stoutland; and Sydney Kopsiske and Riley McCabe, Camdenton, Missouri Farm Bureau Youth Leadership.

Senator Riddle introduced to the Senate, Advisor Dan Burkemper; and Gabriella Scruggs, Dawn Sherman, Mary Schlueter, Anna Guss, Abigail Owenby and Arianna Buchanan, Warrenton FFA.

Senator Rowden introduced to the Senate, John Sam Williamson and Dustin Stanton, Mid-Missouri FFA.

Senator Crawford introduced to the Senate, Chase, Kenny, Reanae and Addison, Ratliff, Hickory County.

Senator Libla introduced to the Senate, John and Andrea Osborn; and Makayla Carter, Isaac Gore and Kya Davis, East Carter County FFA.

Senator Libla introduced to the Senate, Rich Thomas; and Brianna Console, Jacob Crawford, Joseph Simmons and Scott Young, Malden FFA.

Senator Riddle introduced to the Senate, Jared Womack, Katie Robnett, Jenna Leible, Justus Love, Rebecca Bloss, Cameryn Hoffman and Rachel Lamons, North Callaway FFA.

Senator Cunningham introduced to the Senate, Sponsor David Emerson; and Dwight Emerson, Cade Verhage, Devin Rowe, Laynie Isaacs and Caitlin Welch, Ava FFA.

Senator Cunningham introduced to the Senate, Kelsay Still, Whitney Williams, Katie Still and Doug Glenn, Hartville FFA.

Senator Cunningham introduced to the Senate, Sponsor Jon Wilson; and Westin Wilson, Aidan Murphy, Kendra Sisney, Abby Donley and Wyatt Wilson, Gainesville FFA.

Senator Riddle introduced to the Senate, Danny Dothage, Alex Kleinsorge and Luella Gregory, Middletown; Logan Bader, Lance Bader and Keely Uthlaut, Hermann; Andrea Michelson, Montgomery City; and Emma Hambach, Warrenton.

Senator Williams introduced to the Senate, Erica Williams, Florissant; and Louise Collins, Ferguson.

Senator Cunningham introduced to the Senate, Advisor Ramone Andrus; and Hala Edquist, Winter Karges and Bo Parker, II, Mountain Grove FFA.

Senator Cunningham introduced to the Senate, Grant Hall; and Cadee Rothermich, Bryce Friga, Kaylynn Newberry and Clayton Vincent, West Plains FFA.

Senator Burlison introduced to the Senate, Tammy Lowery; and Tanner Barker, Kaylee May, Michaela David and Breanne Blakemore, Ash Grove and Walnut Grove FFA.

Senator Burlison introduced to the Senate, Michelle Cash; and Christopher Cash, Danton Rone, Aiden Monanado and Emaleigh Campbell, Willard.

Senator Wallingford introduced to the Senate, teacher June Ernst; and Whitney Kasten, Brittany Steffens, Elise Melchior, Cailyn Sparkman, Abby Franklin and Elizabeth Plunkett, Farm Bureau Youth Leadership Day, Perry County.

Senator Bernskoetter introduced to the Senate, representatives of FFA from Russellville, Linn, Vienna, Tuscumbia, Eldon and Iberia.

Senator Sater introduced to the Senate, Jim Spencer; and Kensie Darst, Lindee Mitchell, Grady Stephenson, Rachel Callison, Mattie Wright, Cade Shepherd, Brenden Kleiboeker and Randy Schad, Farm Bureau Youth Leadership Day, Barry and Lawrence counties.

Senator Cunningham introduced to the Senate, Hayley Sisco, Ashley Barton and Frank Alford, Oregon County FFA.

Senator Crawford introduced to the Senate, Bryce Brannon and Sarah Tygart, Bolivar; Aimee Howard and Katelyn Hoskins, Humansville; and Kenzie Clark, Lexie Simpson and Kevin Sawyer, Fair Play.

Senator Schupp introduced to the Senate, teachers and third- and fourth-grade students, Immanuel Lutheran Day School, Olivette.

On motion of Senator Wallingford, the Senate adjourned until 4:00 p.m., Tuesday, April 23, 2019.

#### SENATE CALENDAR

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FIFTY-FIFTH DAY—TUESDAY, APRIL 23, 2019

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#### FORMAL CALENDAR

#### HOUSE BILLS ON SECOND READING

HCS for HB 937  
HB 930-Ross  
HB 769-Ross  
HB 1057-Shawan  
HB 186-Trent  
HCS for HBs 281 & 570  
HCS for HB 749

HB 1062-Hansen  
HCS for HB 1206  
HCS for HB 1151  
HB 756-Pfautsch  
HB 943-McGill  
HCS for HB 951

#### THIRD READING OF SENATE BILLS

SCS for SB 465-Burlison (In Fiscal Oversight)

## SENATE BILLS FOR PERFECTION

- |                               |                                  |
|-------------------------------|----------------------------------|
| 1. SB 514-Sater               | 14. SB 189-Crawford, with SCS    |
| 2. SB 430-Libla               | 15. SB 385-Bernskoetter          |
| 3. SB 186-Hegeman             | 16. SB 409-Wieland, et al        |
| 4. SB 302-Wallingford         | 17. SB 437-Hoskins               |
| 5. SB 347-Burlison            | 18. SB 286-Hough                 |
| 6. SB 439-Brown               | 19. SB 325-Crawford, with SCS    |
| 7. SB 303-Riddle, with SCS    | 20. SBs 8 & 74-Emery, with SCS   |
| 8. SB 376-Riddle              | 21. SB 386-O'Laughlin, with SCS  |
| 9. SB 82-Cunningham, with SCS | 22. SB 272-Emery, with SCS       |
| 10. SB 161-Cunningham         | 23. SB 265-Luetkemeyer, with SCS |
| 11. SB 144-Burlison, with SCS | 24. SB 135-Sifton, with SCS      |
| 12. SJR 20-Koenig, with SCS   | 25. SB 342-Curls and Nasheed     |
| 13. SB 208-Wallingford        | 26. SB 424-Luetkemeyer           |

## HOUSE BILLS ON THIRD READING

- |  |  |
|--|--|
| 1. HB 188-Rehder (Luetkemeyer)             | 15. HCS for HB 192, with SCS (Emery)         |
| 2. HB 612-Coleman (97) (Crawford)          | 16. HB 485-Dogan, with SCS (Emery)           |
| 3. HCS for HB 397, with SCS (Riddle)       | 17. HCS for HB 564, with SCS (Koenig)        |
| 4. HCS for HB 225, with SCS (Romine)       | 18. HCS for HB 678, with SCS (Williams)      |
| 5. HCS for HB 255 (Cierpiot)               | 19. HCS for HB 399, with SCS (Hoskins)       |
| 6. HCS for HB 469 (Wallingford)            | 20. HB 126-Schroer, with SCS (Koenig)        |
| 7. HCS for HB 677 (Cierpiot)               | 21. HB 138-Kidd (Wallingford)                |
| 8. HB 260-Taylor, with SCS (Bernskoetter)  | 22. HB 332-Lynch, with SCS                   |
| 9. HCS for HB 547, with SCS (Bernskoetter) | 23. HCS for HBs 243 & 544, with SCS (Arthur) |
| 10. HCS for HB 169, with SCS (Romine)      | 24. HCS for HB 220, with SCS (O'Laughlin)    |
| 11. HB 219-Wood (Sater)                    | 25. HB 821-Solon (Luetkemeyer)               |
| 12. HB 831-Sharpe (Brown)                  | 26. HB 565-Morse, with SCS (Wallingford)     |
| 13. HCS for HB 694 (Riddle)                | 27. HCS for HB 447, with SCS (Riddle)        |
| 14. HCS#2 for HB 499 (Schatz)              | 28. HB 113-Smith, with SCS                   |

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

- |   |  |
|---|--|
| SB 1-Curls and Nasheed, with SCS            | SB 16-Romine, with SCS, SS for SCS, SA 3<br>& point of order (pending) |
| SB 3-Curls                                  | SB 19-Libla, with SA 1 (pending)                                       |
| SB 4-Sater                                  | SB 29-Hegeman, with SCS & SS for SCS<br>(pending)                      |
| SB 5-Sater, et al, with SCS                 | SB 31-Wieland  |
| SB 10-Cunningham, with SCS & SA 1 (pending) |  |
| SB 14-Wallingford                           |  |

SB 37-Onder and Nasheed, with SCS	SB 234-White
SB 39-Onder	SB 252-Wieland, with SCS
SB 44-Hoskins, with SCS & SS#3 for SCS (pending)	SB 255-Bernskoetter
SBs 46 & 50-Koenig, with SCS, SS for SCS & SA 6 (pending)	SB 259-Romine, with SS & SA 3 (pending)
SB 49-Rowden, with SCS	SB 276-Rowden, with SCS
SB 52-Eigel, with SCS	SB 278-Wallingford, with SCS
SB 56-Cierpiot, with SCS, SS for SCS & SA 1 (pending)	SBs 279, 139 & 345-Onder and Emery, with SCS
SB 57-Cierpiot	SB 292-Eigel, with SCS & SS#2 for SCS (pending)
SB 62-Burlison, with SCS	SB 293-Hough, with SCS
SB 65-White, with SS (pending)	SB 296-Cierpiot, with SCS
SB 69-Hough	SB 298-White, with SCS
SBs 70 & 128-Hough, with SCS	SB 300-Eigel
SB 76-Sater, with SCS (pending)	SB 312-Eigel
SB 78-Sater	SB 316-Burlison
SB 97-Hegeman, with SCS	SB 318-Burlison
SB 100-Riddle, with SS (pending)	SB 328-Burlison, with SCS
SB 118-Cierpiot, with SCS	SB 332-Brown
SB 132-Emery, with SCS	SB 336-Schupp
SB 141-Koenig	SB 343-Eigel, with SCS
SB 150-Koenig, with SCS	SB 344-Eigel, with SCS
SBs 153 & 117-Sifton, with SCS	SB 349-O'Laughlin, with SCS
SB 154-Luetkemeyer, with SS & SA 2 (pending)	SB 350-O'Laughlin
SB 155-Luetkemeyer	SB 354-Cierpiot, with SCS
SB 160-Koenig, with SCS, SS for SCS & SA 2 (pending)	SB 391-Bernskoetter, with SS & SA 2 (pending)
SB 168-Wallingford, with SCS	SB 412-Holsman
SB 201-Romine	SB 426-Williams
SB 205-Arthur, with SCS	SB 431-Schatz, with SCS
SB 211-Wallingford	SJR 1-Sater and Onder, with SS#2 & SA 1 (pending)
SB 222-Hough	SJR 13-Holsman, with SCS, SS for SCS & SA 1 (pending)
SB 224-Luetkemeyer, with SS#2 (pending)	SJR 18-Cunningham
SB 225-Curls	

#### CONSENT CALENDAR

House Bills

Reported 4/15

HB 655-Dinkins (Brown)

## RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 8-Holsman

SCR 15-Burlison

SCR 13-Emery

SCR 19-Eigel

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# Journal of the Senate

FIRST REGULAR SESSION

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**FIFTY-FIFTH DAY—TUESDAY, APRIL 23, 2019**

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The Senate met pursuant to adjournment.

Senator Brown in the Chair.

Reverend Carl Gauck offered the following prayer:

“I will give thanks to the Lord with my whole heart;” (Psalm 9:1)

Heavenly Father, it is with joy that we return to the work before us for we see anew the possibilities that each day brings and what our collective efforts can make happen. Be with us this week in this time of new beginnings and help us do that which is beneficial to the people we serve and the people who work for us that makes our efforts possible. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 18, 2019 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

**RESOLUTIONS**

Senator Williams offered Senate Resolution No. 676, regarding Hazelwood West Middle School Green Team, which was adopted.

Senator Williams offered Senate Resolution No. 677, regarding Brown Elementary School Green Team, which was adopted.

Senator Romine offered Senate Resolution No. 678, regarding Teresa Campbell, Caledonia, which was adopted.

Senator Romine offered Senate Resolution No. 679, regarding Julie Kingsland, De Soto, which was adopted.

Senator Romine offered Senate Resolution No. 680, regarding Mary Beth Sapper, De Soto, which was adopted.

Senator Romine offered Senate Resolution No. 681, regarding Elizabeth Elaine Huskey, De Soto, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 682, regarding Eagle Scout Luke Ryan Daledovich, Lohman, which was adopted.

Senator Crawford offered Senate Resolution No. 683, regarding Freeda Myers, Lebanon, which was adopted.

Senator Crawford offered Senate Resolution No. 684, regarding Joe Gay, Sedalia, which was adopted.

Senator Koenig offered Senate Resolution No. 685, regarding Alison Senkbeil, St. Louis, which was adopted.

Senator Koenig offered Senate Resolution No. 686, regarding Sarah Marie Siqing Lovett, St. Louis, which was adopted.

Senator Koenig offered Senate Resolution No. 687, regarding Kristen Adeline Eads, Ballwin, which was adopted.

Senator Koenig offered Senate Resolution No. 688, regarding Lauren Chong, Des Peres, which was adopted.

Senator Koenig offered Senate Resolution No. 689, regarding Annagrace Violette, St. Louis, which was adopted.

Senator Schupp offered Senate Resolution No. 690, regarding Molly Crawford, St. Louis, which was adopted.

Senator Schupp offered Senate Resolution No. 691, regarding Connie Chen, St. Louis, which was adopted.

Senator Schupp offered Senate Resolution No. 692, regarding Eagle Scout William Andrew Unk, Chesterfield, which was adopted.

Senator Schupp offered Senate Resolution No. 693, regarding the Ninety-fifth Birthday of Evelyn R. Portnoff, St. Louis, which was adopted.

Senator Williams offered Senate Resolution No. 694, regarding Mayor Harold Jay Sanger, Clayton, which was adopted.

Senator Wallingford offered Senate Resolution No. 695, regarding Donald Frederick “Don” Schuette, Jackson, which was adopted.

Senator Brown offered Senate Resolution No. 696, regarding the United States Coast Guard Auxiliary, 8th Western Rivers Region, Division 3, Lake of the Ozarks, which was adopted.

### CONCURRENT RESOLUTIONS

Senator White offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 27

Whereas, cardiovascular disease is the leading cause of death due to complications associated with diabetes, such as high blood sugar, high blood pressure, and obesity; and

Whereas, cardiovascular disease is a term used to define problems with the heart and blood vessels such as heart attacks, heart failure, and strokes, and is two to four times greater in adults with type 2 (adult onset) diabetes; and

Whereas, type 2 diabetes is the most common type of diabetes, representing an estimated ninety to ninety-five percent of all diagnosed adult diabetes cases in the United States; and

Whereas, diabetes is the seventh leading cause of death in the United States with eight million Americans undiagnosed and more than five thousand Americans diagnosed each day; and

Whereas, findings from a recent study reveal fifty-two percent of adults living with type 2 diabetes are unaware they are at an increased risk of dying from cardiovascular disease; and

Whereas, cardiovascular disease causes sixty-eight percent (or more than two out of every three) deaths in people with type 2 diabetes in the United States; and

Whereas, the total health care costs for the treatment of diabetes were reported to be approximately two hundred forty-five billion dollars annually, with direct medical costs accounting for one hundred thirty-six billion dollars of the total costs in 2013, and cardiovascular disease accounting for twenty-eight percent (or approximately thirty-eight billion dollars) of costs for treating diabetes patients; and

Whereas, in the state of Missouri, the amount paid by Medicare for type 2 diabetes and cardiovascular disease totals eight hundred forty-three million two hundred seven thousand five hundred nine dollars for three hundred ninety-six beneficiaries; and

Whereas, awareness and education about the cardiovascular risks associated with diabetes can effectively reduce the overall outcome and financial burden of the illness; and

Whereas, the Missouri Department of Health and Senior Services and other relevant partners seek to promote awareness, education, and action related to the link between cardiovascular disease and type 2 diabetes:

Now Therefore Be It Resolved that the members of the Missouri Senate, One Hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby designate the month of November 2019 as Cardiovascular Disease and Type 2 Diabetes Awareness Month in Missouri and encourage others to promote education and awareness of the connection between cardiovascular disease and type 2 diabetes; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution to Director of the Department of Health and Senior Services.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 637**, entitled:

An Act to repeal sections 313.905, 313.915, 313.920, 313.925, 313.935, 313.945, 313.950, and 313.955, RSMo, and to enact in lieu thereof ten new sections relating to fantasy sports contests, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCB 1**, entitled:

An Act to authorize the conveyance of certain state property.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

President Pro Tem Schatz assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Hegeman, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 3**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 4**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 5**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 6**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 7**, begs leave

to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 8**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 9**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 10**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 11**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 12**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 13**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Brown assumed the Chair.

### **HOUSE BILLS ON THIRD READING**

At the request of Senator Luetkemeyer, **HB 188** was placed on the Informal Calendar.

**HB 612**, introduced by Representative Coleman (97), entitled:

An Act to repeal section 620.010, RSMo, and to enact in lieu thereof two new sections relating to the Missouri state council on the arts.

Was taken up by Senator Crawford.

On motion of Senator Crawford, **HB 612** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur

Bernskoetter

Brown

Burlison

Cierpiot

Crawford

Cunningham

Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**HCS for HB 397, with SCS, entitled:**

An Act to repeal sections 567.020, 578.421, 578.423, 578.427, and 610.131, RSMo, and to enact in lieu thereof five new sections relating to the protection of children from sex trafficking, with penalty provisions.

Was taken up by Senator Riddle.

**SCS for HCS for HB 397, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 397

An Act to repeal sections 567.020, 578.421, 578.423, and 610.131, RSMo, and to enact in lieu thereof four new sections relating to the protection of children from sex trafficking, with penalty provisions.

Was taken up.

Senator Riddle moved that **SCS for HCS for HB 397** be adopted.

Senator Riddle offered **SS for SCS for HCS for HB 397**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 397

An Act to repeal sections 208.044, 208.151, 210.025, 210.192, 210.194, 210.195, 210.201, 210.211, 210.221, 210.245, 210.252, 210.254, 210.565, 210.1014, 210.1080, 452.377, 454.507, 454.600, 454.603, 513.430, 566.147, 567.020, 578.421, 578.423, and 610.131, RSMo, and to enact in lieu thereof twenty-six new sections relating to the protection of children, with penalty provisions and an emergency clause for certain sections.

Senator Riddle moved that **SS** for **SCS** for **HCS** for **HB 397** be adopted.

Senator Onder offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 397, Page 76, Section 567.020, Line 13, by inserting after all of said line the following:

“567.050. 1. A person commits the offense of promoting prostitution in the first degree if he or she knowingly:

(1) Promotes prostitution by compelling a person to enter into, engage in, or remain in prostitution; [or]

(2) Promotes prostitution of a person less than sixteen years of age; **or**

**(3) Owns, manages, or operates an interactive computer service, or conspires or attempts to do so, with the intent to promote or facilitate the prostitution of another. As used in this subdivision, the term “interactive computer service” shall mean: any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions.**

2. The term “compelling” includes:

(1) The use of forcible compulsion;

(2) The use of a drug or intoxicating substance to render a person incapable of controlling his conduct or appreciating its nature;

(3) Withholding or threatening to withhold dangerous drugs or a narcotic from a drug dependent person.

3. **(1)** The offense of promoting prostitution in the first degree under subdivision (1) **or (3)** of subsection 1 of this section is a class B felony.

**(2) The offense of promoting prostitution in the first degree under subdivision (3) of subsection 1 of this section is a class A felony if a person acts in reckless disregard of the fact that such conduct contributed to the offense of trafficking for the purposes of sexual exploitation under section 566.209.**

**(3)** The offense of promoting prostitution in the first degree under subdivision (2) of subsection 1 of this section is a felony punishable by a term of imprisonment not less than ten years and not to exceed fifteen years.

**4. A person injured by the acts committed in violation of subdivision (3) of subsection 1 of this section or subdivision (2) of subsection 3 of this section shall have a civil cause of action to recover damages and reasonable attorneys’ fees for such injury.**

**5. In addition to the court’s authority to order a defendant to make restitution for the damage or loss caused by his or her offense as provided in section 559.105, the court shall enter a judgment of restitution against the defendant convicted of violating subdivision (3) of subsection 1 of this section and subdivision (2) of subsection 3 of this section.”; and**

Further amend the title and enacting clause accordingly.

Senator Onder moved that the above amendment be adopted, which motion prevailed.

Senator Rowden assumed the Chair.

Senator Luetkemeyer assumed the Chair.

Senator Nasheed offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 397, Page 72, Section 513.430, Line 27, by inserting after all of said line the following:

“565.027. 1. A person commits the offense of involuntary manslaughter in the second degree if he or she:

**(1) Acts with criminal negligence to cause the death of any person; or**

**(2) Knowingly incites any minor under the age of eighteen to commit self-murder, including through the use of telephone or electronic communications, and such incitement results in the death of such person.**

2. The offense of involuntary manslaughter in the second degree is a class E felony, unless the victim is intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case it is a class D felony.”; and

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted.

Senator Sifton requested a roll call vote be taken on the adoption of **SA 2**. He was joined in his request by Senators May, Nasheed, Schupp and Walsh.

At the request of Senator Nasheed, **SA 2** was withdrawn.

Senator Riddle moved that **SS** for **SCS** for **HCS** for **HB 397**, as amended, be adopted, which motion prevailed.

Senator Riddle moved that **SS** for **SCS** for **HCS** for **HB 397**, as amended, be read the 3rd time and was recognized to close.

President Pro Tem Schatz referred **SS** for **SCS** for **HCS** for **HB 397**, as amended, to the Committee on Fiscal Oversight.

#### REFERRALS

President Pro Tem Schatz referred **HCS No. 2** for **HB 499**; **HB 219**; **HB 126**, with **SCS**; **HCS** for **HB 447**, with **SCS**; and **HCS** for **HB 564**, with **SCS**, to the Committee on Fiscal Oversight.

#### SENATE BILLS FOR PERFECTION

Senator Hough moved that **SB 70** and **SB 128**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SBs 70** and **128**, entitled:



SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 70 and 128

An Act to repeal sections 208.909, 208.918, and 208.924, RSMo, and to enact in lieu thereof three new sections relating to personal care assistance services.

Was taken up.

Senator Hough moved that SCS for SBs 70 and 128 be adopted.

Senator Hough offered SS for SCS for SBs 70 and 128, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 70 and 128

An Act to repeal sections 192.007, 192.667, 198.082, 208.909, 208.918, 208.924, 344.030, and 376.690, RSMo, and to enact in lieu thereof twelve new sections relating to the administration of health care services, with existing penalty provisions.

Senator Hough moved that SS for SCS for SBs 70 and 128 be adopted.

Senator White offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 70 & 128, Page 12, Section 197.108, Line 27 of said page, by inserting after “organization” the following: **“or a competing hospital within fifty miles of the hospital to be inspected or surveyed”**.

Senator White moved that the above amendment be adopted, which motion prevailed.

Senator Holsman offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 70 and 128, Page 1, In the Title, Line 6, by inserting immediately after “provisions” the following: “, with an emergency clause for a certain section”; and

Further amend said bill, page 34, section 376.690, line 11, by inserting after all of said line the following:

**“376.1260. 1. (1) As used in this section, unless the context clearly requires otherwise, terms shall have the same meaning as ascribed to them in section 376.1350.**

**(2) As used in this section, the term “off-label usage” shall mean when a Food and Drug Administration-approved drug is used for the practice of medicine in a manner that differs from the approved drug label, including but not limited to:**

- (a) Used for a different disease or medical condition;**
- (b) Administered in a different manner; or**
- (c) Administered in a different dose.**

**2. Each health benefit plan delivered, issued for delivery, continued, or renewed in the state shall provide coverage for an enrollee’s off-label usage of drugs for purposes of cancer treatment when the drug has been prescribed or recommended to the enrollee by at least two licensed physicians who attest the drug may extend the enrollee’s life.”**

“Section B. Because of the need for timely and affordable access to medical treatments, the enactment of section 376.1260 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 376.1260 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Holsman moved that the above amendment be adopted.

Senator Holsman offered **SA 1 to SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 70 & 128, Page 1, Section 376.1260, Line 20, by striking the word “physicians” and inserting in lieu thereof the following: **“oncologists”**.

Senator Holsman moved that **SA 1 to SA 2** be adopted, which motion prevailed.

**SA 2**, as amended, was again taken up.

Senator Holsman moved that **SA 2**, as amended, be adopted, which motion prevailed.

Senator Onder offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 70 & 128, Page 2, Section 192.007, Lines 5-9, by striking all of said lines and inserting in lieu thereof the following:

**“(1) A medical doctor or a doctor of osteopathy degree; or”**; and further amend line 10 by striking **“(3)”** and inserting in lieu thereof the following: **“(2)”**; and further amend line 12 by striking the word “and” and inserting in lieu thereof the following: **“or”**; and further amend lines 13-18 by striking all of said lines and inserting in lieu thereof the following: **“public health or an equivalent academic degree from an institution of higher education approved by recognized accrediting agencies.”**.

Senator Onder moved that the above amendment be adopted, which motion prevailed.

Senator Wieland offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 70 & 128, Page 34, Section 376.690, Line 11, by inserting after all of said line the following:

**“376.1212. 1. This section shall apply to any health benefit plan, as defined in section 376.1350, which is delivered, issued for delivery, continued, or renewed on or after January 1, 2020, which is**

written inside the state of Missouri or written outside the state of Missouri but covering Missouri residents, and in which a person may only enroll in such plan during an initial, open, or special enrollment period.

2. Notwithstanding any other provision of law to the contrary, such health benefit plan shall permit enrollment of a pregnant person at any time after the commencement of her pregnancy, if such person would be otherwise eligible to enroll in such plan during such initial, open, or special enrollment period.

3. Such health benefit plan may require that such pregnancy be certified by a health care practitioner licensed in this state and acting within the scope of his or her practice.

4. Coverage shall be effective as of the first day of the month such pregnancy was certified, or if no certification is required, as of the first day of the month self-attestation of pregnancy was made by the person.”; and

Further amend the title and enacting clause accordingly.

Senator Wieland moved that the above amendment be adopted, which motion prevailed.

Senator Hough moved that **SS for SCS for SBs 70 and 128**, as amended, be adopted, which motion prevailed.

On motion of Senator Hough, **SS for SCS for SBs 70 and 128**, as amended, was declared perfected and ordered printed.

Senator Hegeman moved that **SB 29**, with **SCS** and **SS for SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS for SCS for SB 29** was again taken up.

At the request of Senator Hegeman, **SS for SCS for SB 29** was withdrawn.

Senator Hegeman offered **SS No. 2 for SCS for SB 29**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 29

An Act to repeal sections 190.839, 198.439, 208.431, 208.432, 208.433, 208.434, 208.435, 208.436, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof thirteen new sections relating to reimbursement allowance assessments.

Senator Hegeman moved that **SS No. 2 for SCS for SB 29** be adopted.

Senator Sater offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 29, Page 1, In the Title, Lines 5-6 of the title, by striking “reimbursement allowance assessments” and inserting in lieu thereof the following: “MO HealthNet”; and

Further amend said bill and page, Section 198.439, Line 10 of said page, by inserting after all of said

line the following:

**“208.185. 1. Beginning January 1, 2020, MO HealthNet participants ages nineteen to sixty-four shall comply with the work and community engagement requirements under this section in order to remain eligible for MO HealthNet benefits, unless such participant is otherwise exempt from such requirements. Work and community engagement requirements shall include at least eighty hours each month of the following:**

**(1) Unsubsidized or subsidized private or public sector employment;**

**(2) Education, including vocational educational training, job skills training directly related to employment, education directly related to employment for individuals who have not received a high school diploma or certificate of high school equivalency, or satisfactory attendance at a secondary school;**

**(3) Community service;**

**(4) Job search and job readiness assistance;**

**(5) Provision of child care services to an individual who is participating in a community service program;**

**(6) Satisfaction of work requirements for participants of temporary assistance for needy families or the supplemental nutrition assistance program who are also MO HealthNet participants;**

**(7) Participation in a substance abuse treatment program; or**

**(8) Any combination thereof.**

**2. The work and community engagement requirements under this section shall not apply to a participant who is:**

**(1) Under the age of nineteen or over the age of sixty-four;**

**(2) Medically frail, including individuals:**

**(a) With disabling mental disorders;**

**(b) With serious and complex medical conditions;**

**(c) With a physical, intellectual, or developmental disability that significantly impairs their ability to perform one or more activities of daily living; or**

**(d) With a disability determination based on criteria under the Social Security Act, including a current determination by the department of social services that he or she is permanently or totally disabled;**

**(3) Pregnant or caring for a child under the age of one or otherwise a recipient of MO HealthNet services under section 208.662;**

**(4) A primary caregiver of a dependent child under the age of six or a dependent adult; provided, that not more than one participant may claim primary caregiver status in a household; or**

**(5) A participant who is also a participant of temporary assistance for needy families or the**

supplemental nutrition assistance program and who is exempt from the work requirements of either of those programs.

3. In order that work and community engagement requirements shall not be impossible or unduly burdensome for participants, the department may permit further exemptions from the work and community engagement requirements under this section in areas of high unemployment, limited economies or educational opportunities, or lack of public transportation, or for good cause. Good cause shall include, but not be limited to, the following circumstances:

(1) The participant has a disability as defined by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, or Section 1557 of the Patient Protection and Affordable Care Act and is unable to meet the work and community engagement requirements for reasons related to that disability;

(2) The participant has an immediate family member in the home with a disability as defined by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, or Section 1557 of the Patient Protection and Affordable Care Act and the participant is unable to meet the work and community engagement requirements for reasons related to the disability of such family member;

(3) The participant or an immediate family member in the home experiences a hospitalization or serious illness;

(4) The participant experiences the birth or death of a family member in the home;

(5) The participant experiences severe inclement weather, including a natural disaster, and is unable to meet the work and community engagement requirements; and

(6) The participant experiences a family emergency or other life-changing event, including divorce or domestic violence.

4. The department shall provide reasonable accommodations for participants with disabilities as defined by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, or Section 1557 of the Patient Protection and Affordable Care Act, as necessary, to enable such participants an equal opportunity to participate in and benefit from the work and community engagement requirements under this section. Reasonable accommodations shall include, but not be limited to, the following:

(1) Exemption from the work and community engagement requirements when the participant is unable to comply for reasons relating to his or her disability;

(2) Modification in the number of hours of work and community engagement required when a participant is unable to comply with the required number of hours; and

(3) Provision of support services necessary for compliance, when compliance is possible with such supports.

5. The department may promulgate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536,

to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

**6. The department shall seek all appropriate waivers and state plan amendments from the federal Department of Health and Human Services necessary to implement the provisions of this section. The provisions of this section shall not be implemented unless such waivers and state plan amendments are approved.”; and**

Further amend the title and enacting clause accordingly.

Senator Sater moved that the above amendment be adopted.

Senator Brown assumed the Chair.

Senator Sifton offered **SSA 1** for **SA 1**:

**SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1**

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 29, Page 1, In the Title, Lines 5-6 of the title, by striking “reimbursement allowance assessments” and inserting in lieu thereof the following: “MO HealthNet”; and

Further amend said bill and page, Section 198.439, line 10, by inserting after all of said line the following:

**“208.207. 1. Beginning January 1, 2020, individuals age nineteen to sixty-four, who are not otherwise eligible for MO HealthNet services under this chapter, who qualify for MO HealthNet services under section 42 U.S.C. 1396a(a)(10)(A)(i)(VIII) and as set forth in 42 CFR 435.119, and who have income at or below one hundred thirty-three percent of the federal poverty level plus five percent of the applicable family size as determined under 42 U.S.C. 1396a(e)(14) and as set forth in 42 CFR 435.603, shall be eligible for medical assistance under MO HealthNet and shall receive coverage for the health benefits service package.**

**2. For purposes of this section, “health benefits service package” shall mean, subject to federal approval, benefits covered by the MO HealthNet program as determined by the department of social services to meet the benchmark or benchmark-equivalent coverage requirement under 42 U.S.C. 1396a(k)(1).**

**3. The reimbursement rate to MO HealthNet providers for MO HealthNet services provided to individuals qualifying under the provisions of this section shall be comparable to commercial reimbursement payment levels with trend adjustment for comparable services. The rates shall be determined annually by the department of social services, and the department may develop such rates through a contracted actuary. The higher commercial comparable rates shall only apply for services provided to individuals qualifying under this section.**

**4. (1) The department of social services shall discontinue eligibility for persons who are eligible under subsection 1 of this section if:**

**(a) The federal medical assistance percentage established under 42 U.S.C. Section 1396d(y) or**

1396d(z) is less than ninety percent as specified for 2020 and each year thereafter or an amount determined by the MO HealthNet oversight committee to be necessary to maintain state budget solvency, whichever is lower; and

(b) The general assembly adopts a concurrent resolution to discontinue eligibility for persons who are eligible under subsection 1 of this section. Prior to any vote under this paragraph, the MO HealthNet oversight committee and the department of social services shall provide the general assembly with information on the current and projected expenses incurred due to expanding eligibility to persons under subsection 1 of this section in relation to health-related savings and revenues and health outcomes of individuals and families receiving benefits under subsection 1 of this section;

(2) The department of social services shall inform persons eligible under subsection 1 of this section that their benefits may be reduced or eliminated if federal funding decreases or is eliminated.

5. The MO HealthNet oversight committee shall conduct research and investigate any potential health-related savings and revenues associated with expanding eligibility to persons under subsection 1 of this section. The committee shall investigate the federal matching rate below which the state could not maintain the expanded eligibility to persons under subsection 1 of this section. If the amount is determined to be greater than ninety percent, the committee shall report its findings to the general assembly for its consideration prior to any vote under paragraph (b) of subdivision (1) of subsection 4 of this section. In conducting its research and investigation, the committee shall also determine the feasibility of:

(1) Implementing capped cost sharing for persons eligible under subsection 1 of this section which may be reduced based on healthy behaviors of participants;

(2) Expanding Medicaid coverage for certain health care services that are currently financed by the state; and

(3) Enrolling persons under subsection 1 of this section in private health benefit plans.”; and

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above substitute amendment be adopted.

Senator Rizzo offered SA 1 to SSA 1 for SA 1:

SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 29, Page 1, Line 5 of said amendment by inserting after all of said line the following:

“208.185. 1. Beginning January 1, 2020, MO HealthNet participants ages nineteen to sixty-four who are eligible for MO HealthNet benefits pursuant to section 208.207 shall comply with the work and community engagement requirements under this section in order to remain eligible for MO HealthNet benefits, unless such participant is otherwise exempt from such requirements. Work and community engagement requirements shall include at least eighty hours each month of the following:

**(1) Unsubsidized or subsidized private or public sector employment;**

**(2) Education, including vocational educational training, job skills training directly related to employment, education directly related to employment for individuals who have not received a high school diploma or certificate of high school equivalency, or satisfactory attendance at a secondary school;**

**(3) Community service;**

**(4) Job search and job readiness assistance;**

**(5) Provision of child care services to an individual who is participating in a community service program;**

**(6) Satisfaction of work requirements for participants of temporary assistance for needy families or the supplemental nutrition assistance program who are also MO HealthNet participants;**

**(7) Participation in a substance abuse treatment program; or**

**(8) Any combination thereof.**

**2. The work and community engagement requirements under this section shall not apply to a participant who is:**

**(1) Under the age of nineteen or over the age of sixty-four;**

**(2) Medically frail, including individuals:**

**(a) With disabling mental disorders;**

**(b) With serious and complex medical conditions;**

**(c) With a physical, intellectual, or developmental disability that significantly impairs their ability to perform one or more activities of daily living; or**

**(d) With a disability determination based on criteria under the Social Security Act, including a current determination by the department of social services that he or she is permanently or totally disabled;**

**(3) Pregnant or caring for a child under the age of one or otherwise a recipient of MO HealthNet services under section 208.662;**

**(4) A primary caregiver of a dependent child under the age of six or a dependent adult; provided, that not more than one participant may claim primary caregiver status in a household; or**

**(5) A participant who is also a participant of temporary assistance for needy families or the supplemental nutrition assistance program and who is exempt from the work requirements of either of those programs.**

**3. In order that work and community engagement requirements shall not be impossible or unduly burdensome for participants, the department may permit further exemptions from the work and community engagement requirements under this section in areas of high unemployment, limited economies or educational opportunities, or lack of public transportation, or for good cause. Good cause shall include, but not be limited to, the following circumstances:**



**(1) The participant has a disability as defined by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, or Section 1557 of the Patient Protection and Affordable Care Act and is unable to meet the work and community engagement requirements for reasons related to that disability;**

**(2) The participant has an immediate family member in the home with a disability as defined by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, or Section 1557 of the Patient Protection and Affordable Care Act and the participant is unable to meet the work and community engagement requirements for reasons related to the disability of such family member;**

**(3) The participant or an immediate family member in the home experiences a hospitalization or serious illness;**

**(4) The participant experiences the birth or death of a family member in the home;**

**(5) The participant experiences severe inclement weather, including a natural disaster, and is unable to meet the work and community engagement requirements; and**

**(6) The participant experiences a family emergency or other life-changing event, including divorce or domestic violence.**

**4. The department shall provide reasonable accommodations for participants with disabilities as defined by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, or Section 1557 of the Patient Protection and Affordable Care Act, as necessary, to enable such participants an equal opportunity to participate in and benefit from the work and community engagement requirements under this section. Reasonable accommodations shall include, but not be limited to, the following:**

**(1) Exemption from the work and community engagement requirements when the participant is unable to comply for reasons relating to his or her disability;**

**(2) Modification in the number of hours of work and community engagement required when a participant is unable to comply with the required number of hours; and**

**(3) Provision of support services necessary for compliance, when compliance is possible with such supports.**

**5. The department may promulgate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.**

**6. The department shall seek all appropriate waivers and state plan amendments from the federal Department of Health and Human Services necessary to implement the provisions of this section. The provisions of this section shall not be implemented unless such waivers and state plan amendments are approved.”.**

Senator Rizzo moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators May, Nasheed, Sifton and Walsh.

At the request of Senator Rizzo, SA 1 to SSA 1 for SA 1 was withdrawn.

Senator Rizzo offered SA 2 to SSA 1 for SA 1:

SENATE AMENDMENT NO. 2 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 29, Page 1, Line 5 of said amendment by inserting after all of said line the following:

**“208.185. 1. Beginning January 1, 2020, MO HealthNet participants ages nineteen to sixty-four who are eligible for MO HealthNet benefits pursuant to section 208.207 shall comply with the work and community engagement requirements under this section in order to remain eligible for MO HealthNet benefits, unless such participant is otherwise exempt from such requirements. Work and community engagement requirements shall include at least eighty hours each month of the following:**

**(1) Unsubsidized or subsidized private or public sector employment;**

**(2) Education, including vocational educational training, job skills training directly related to employment, education directly related to employment for individuals who have not received a high school diploma or certificate of high school equivalency, or satisfactory attendance at a secondary school;**

**(3) Community service;**

**(4) Job search and job readiness assistance;**

**(5) Provision of child care services to an individual who is participating in a community service program;**

**(6) Satisfaction of work requirements for participants of temporary assistance for needy families or the supplemental nutrition assistance program who are also MO HealthNet participants;**

**(7) Participation in a substance abuse treatment program; or**

**(8) Any combination thereof.**

**2. The work and community engagement requirements under this section shall not apply to a participant who is:**

**(1) Under the age of nineteen or over the age of sixty-four;**

**(2) Medically frail, including individuals:**

**(a) With disabling mental disorders;**

**(b) With serious and complex medical conditions;**

**(c) With a physical, intellectual, or developmental disability that significantly impairs their ability**

to perform one or more activities of daily living; or

(d) With a disability determination based on criteria under the Social Security Act, including a current determination by the department of social services that he or she is permanently or totally disabled;

(3) Pregnant or caring for a child under the age of one or otherwise a recipient of MO HealthNet services under section 208.662;

(4) A primary caregiver of a dependent child under the age of six or a dependent adult; provided, that not more than one participant may claim primary caregiver status in a household; or

(5) A participant who is also a participant of temporary assistance for needy families or the supplemental nutrition assistance program and who is exempt from the work requirements of either of those programs.

3. In order that work and community engagement requirements shall not be impossible or unduly burdensome for participants, the department may permit further exemptions from the work and community engagement requirements under this section in areas of high unemployment, limited economies or educational opportunities, or lack of public transportation, or for good cause. Good cause shall include, but not be limited to, the following circumstances:

(1) The participant has a disability as defined by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, or Section 1557 of the Patient Protection and Affordable Care Act and is unable to meet the work and community engagement requirements for reasons related to that disability;

(2) The participant has an immediate family member in the home with a disability as defined by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, or Section 1557 of the Patient Protection and Affordable Care Act and the participant is unable to meet the work and community engagement requirements for reasons related to the disability of such family member;

(3) The participant or an immediate family member in the home experiences a hospitalization or serious illness;

(4) The participant experiences the birth or death of a family member in the home;

(5) The participant experiences severe inclement weather, including a natural disaster, and is unable to meet the work and community engagement requirements; and

(6) The participant experiences a family emergency or other life-changing event, including divorce or domestic violence.

4. The department shall provide reasonable accommodations for participants with disabilities as defined by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, or Section 1557 of the Patient Protection and Affordable Care Act, as necessary, to enable such participants an equal opportunity to participate in and benefit from the work and community engagement requirements under this section. Reasonable accommodations shall include, but not be limited to, the following:

(1) Exemption from the work and community engagement requirements when the participant is

unable to comply for reasons relating to his or her disability;

(2) Modification in the number of hours of work and community engagement required when a participant is unable to comply with the required number of hours; and

(3) Provision of support services necessary for compliance, when compliance is possible with such supports.

5. The department may promulgate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

6. The department shall seek all appropriate waivers and state plan amendments from the federal Department of Health and Human Services necessary to implement the provisions of this section. The provisions of this section shall not be implemented unless such waivers and state plan amendments are approved.”; and

Further amend said amendment, page 3, line 19, by inserting after all of said line the following:

“Further amend said bill, page 14, section 633.401, line 12, by inserting after all of said line the following:

“Section 1. If any provision of this act or the application thereof to anyone or to any circumstance is held invalid, the remaining provisions of this act and the application of such provisions to others or other circumstances shall not be affected thereby.”; and”.

Senator Rizzo moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Arthur, Schupp, Sifton and Walsh.

Senator Hough assumed the Chair.

At the request of Senator Hegeman, **SS No. 2** for **SCS** for **SB 29** was withdrawn, rendering **SA 2** to **SSA 1** for **SA 1**, **SSA 1** for **SA 1** and **SA 1** moot.

Senator Hegeman offered **SS No. 3** for **SCS** for **SB 29**, entitled:

SENATE SUBSTITUTE NO. 3 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 29

An Act to repeal sections 190.839, 198.439, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof six new sections relating to reimbursement allowance taxes.

Senator Hegeman moved that **SS No. 3** for **SCS** for **SB 29** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SS No. 3** for **SCS** for **SB 29** was declared perfected and ordered printed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCB 5**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto twelve new sections relating to the designation of memorial highways.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCB 10**, entitled:

An Act to repeal sections 115.081, 115.085, 115.631, 115.637, 116.050, 116.155, 116.160, 116.180, and 116.230, RSMo, and to enact in lieu thereof ten new sections relating to elections, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCB 7**, entitled:

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to elementary and secondary education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 919**, entitled:

An Act to amend chapter 528, RSMo, by adding thereto eleven new sections relating to the partition of property among heirs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1099**, entitled:

An Act to amend chapter 174, RSMo, by adding thereto two new sections relating to higher education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HB 1237**, entitled:

An Act to authorize the conveyance of certain state property.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### REFERRALS

President Pro Tem Schatz referred **HCS** for **HB 192**, with **SCS** and **HB 332**, with **SCS**, to the Committee on Fiscal Oversight.

### REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SBs 70** and **128**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### INTRODUCTIONS OF GUESTS

Senator Williams introduced to the Senate, Camila Chaves, Bogota, Colombia.

On motion of Senator Rowden, the Senate adjourned under the rules.

### SENATE CALENDAR

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FIFTY-SIXTH DAY—WEDNESDAY, APRIL 24, 2019

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### FORMAL CALENDAR

#### HOUSE BILLS ON SECOND READING

HCS for HB 937

HB 930-Ross

HB 769-Ross

HB 1057-Shawan

HB 186-Trent

HCS for HBs 281 & 570

HCS for HB 749

HB 1062-Hansen

HCS for HB 1206

HCS for HB 1151

HB 756-Pfautsch

HB 943-McGill

HCS for HB 951

HB 637-Shawan

HCB 1-Roden

HCB 5-Ruth

HCB 10-Shaul

HCB 7-Roeber

HCS for HB 919

HCS for HB 1099

HB 1237-Fitzwater

## THIRD READING OF SENATE BILLS

SCS for SB 465-Burlison (In Fiscal Oversight)

SS for SCS for SBs 70 &amp; 128-Hough

## SENATE BILLS FOR PERFECTION

- |                               |                                  |
|-------------------------------|----------------------------------|
| 1. SB 514-Sater               | 14. SB 189-Crawford, with SCS    |
| 2. SB 430-Libla               | 15. SB 385-Bernskoetter          |
| 3. SB 186-Hegeman             | 16. SB 409-Wieland, et al        |
| 4. SB 302-Wallingford         | 17. SB 437-Hoskins               |
| 5. SB 347-Burlison            | 18. SB 286-Hough                 |
| 6. SB 439-Brown               | 19. SB 325-Crawford, with SCS    |
| 7. SB 303-Riddle, with SCS    | 20. SBs 8 & 74-Emery, with SCS   |
| 8. SB 376-Riddle              | 21. SB 386-O'Laughlin, with SCS  |
| 9. SB 82-Cunningham, with SCS | 22. SB 272-Emery, with SCS       |
| 10. SB 161-Cunningham         | 23. SB 265-Luetkemeyer, with SCS |
| 11. SB 144-Burlison, with SCS | 24. SB 135-Sifton, with SCS      |
| 12. SJR 20-Koenig, with SCS   | 25. SB 342-Curls and Nasheed     |
| 13. SB 208-Wallingford        | 26. SB 424-Luetkemeyer           |

## HOUSE BILLS ON THIRD READING

- |  |  |
|--|--|
| 1. HCS for HB 225, with SCS (Romine)         | 15. HCS for HB 678, with SCS (Williams)      |
| 2. HCS for HB 255 (Cierpiot)                 | 16. HCS for HB 399, with SCS (Hoskins)       |
| 3. HCS for HB 469 (Wallingford)              | 17. HB 126-Schroer, with SCS (Koenig)        |
| 4. HCS for HB 677 (Cierpiot)                 | (In Fiscal Oversight)                        |
| 5. HB 260-Taylor, with SCS (Bernskoetter)    | 18. HB 138-Kidd (Wallingford)                |
| 6. HCS for HB 547, with SCS (Bernskoetter)   | 19. HB 332-Lynch, with SCS (Wallingford)     |
| 7. HCS for HB 169, with SCS (Romine)         | (In Fiscal Oversight)                        |
| 8. HB 219-Wood (Sater) (In Fiscal Oversight) | 20. HCS for HBs 243 & 544, with SCS (Arthur) |
| 9. HB 831-Sharpe (Brown)                     | 21. HCS for HB 220, with SCS (O'Laughlin)    |
| 10. HCS for HB 694 (Riddle)                  | 22. HB 821-Solon (Luetkemeyer)               |
| 11. HCS#2 for HB 499 (Schatz)                | 23. HB 565-Morse, with SCS (Wallingford)     |
| (In Fiscal Oversight)                        | 24. HCS for HB 447, with SCS (Riddle)        |
| 12. HCS for HB 192, with SCS (Emery)         | (In Fiscal Oversight)                        |
| (In Fiscal Oversight)                        | 25. HB 113-Smith, with SCS (Emery)           |
| 13. HB 485-Dogan, with SCS (Emery)           | 26. HCS for HB 1 (Hegeman)                   |
| 14. HCS for HB 564, with SCS (Koenig)        | 27. HCS for HB 2, with SCS (Hegeman)         |
| (In Fiscal Oversight)                        | 28. HCS for HB 3, with SCS (Hegeman)         |

29. HCS for HB 4, with SCS (Hegeman)  
 30. HCS for HB 5, with SCS (Hegeman)  
 31. HCS for HB 6, with SCS (Hegeman)  
 32. HCS for HB 7, with SCS (Hegeman)  
 33. HCS for HB 8, with SCS (Hegeman)

34. HCS for HB 9, with SCS (Hegeman)  
 35. HCS for HB 10, with SCS (Hegeman)  
 36. HCS for HB 11, with SCS (Hegeman)  
 37. HCS for HB 12, with SCS (Hegeman)  
 38. HCS for HB 13, with SCS (Hegeman)

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 1-Curls and Nasheed, with SCS  
 SB 3-Curls  
 SB 4-Sater  
 SB 5-Sater, et al, with SCS  
 SB 10-Cunningham, with SCS &  
     SA 1 (pending)  
 SB 14-Wallingford  
 SB 16-Romine, with SCS, SS for SCS,  
     SA 3 & point of order (pending)  
 SB 19-Libla, with SA 1 (pending)  
 SB 31-Wieland  
 SB 37-Onder and Nasheed, with SCS  
 SB 39-Onder  
 SB 44-Hoskins, with SCS &  
     SS#3 for SCS (pending)  
 SBs 46 & 50-Koenig, with SCS, SS for SCS &  
     SA 6 (pending)  
 SB 49-Rowden, with SCS  
 SB 52-Eigel, with SCS  
 SB 56-Cierpiot, with SCS, SS for SCS &  
     SA 1 (pending)  
 SB 57-Cierpiot  
 SB 62-Burlison, with SCS  
 SB 65-White, with SS (pending)  
 SB 69-Hough  
 SB 76-Sater, with SCS (pending)  
 SB 78-Sater  
 SB 97-Hegeman, with SCS  
 SB 100-Riddle, with SS (pending)  
 SB 118-Cierpiot, with SCS

SB 132-Emery, with SCS  
 SB 141-Koenig  
 SB 150-Koenig, with SCS  
 SBs 153 & 117-Sifton, with SCS  
 SB 154-Luetkemeyer, with SS &  
     SA 2 (pending)  
 SB 155-Luetkemeyer  
 SB 160-Koenig, with SCS, SS for SCS &  
     SA 2 (pending)  
 SB 168-Wallingford, with SCS  
 SB 201-Romine  
 SB 205-Arthur, with SCS  
 SB 211-Wallingford  
 SB 222-Hough  
 SB 224-Luetkemeyer, with SS#2 (pending)  
 SB 225-Curls  
 SB 234-White  
 SB 252-Wieland, with SCS  
 SB 255-Bernskoetter  
 SB 259-Romine, with SS & SA 3 (pending)  
 SB 276-Rowden, with SCS  
 SB 278-Wallingford, with SCS  
 SBs 279, 139 & 345-Onder and Emery, with SCS  
 SB 292-Eigel, with SCS &  
     SS#2 for SCS (pending)  
 SB 293-Hough, with SCS  
 SB 296-Cierpiot, with SCS  
 SB 298-White, with SCS  
 SB 300-Eigel  
 SB 312-Eigel



SB 316-Burlison	SB 391-Bernskoetter, with SS &
SB 318-Burlison	SA 2 (pending)
SB 328-Burlison, with SCS	SB 412-Holsman
SB 332-Brown	SB 426-Williams
SB 336-Schupp	SB 431-Schatz, with SCS
SB 343-Eigel, with SCS	SJR 1-Sater and Onder, with SS#2 &
SB 344-Eigel, with SCS	SA 1 (pending)
SB 349-O'Laughlin, with SCS	SJR 13-Holsman, with SCS, SS for SCS &
SB 350-O'Laughlin	SA 1 (pending)
SB 354-Cierpiot, with SCS	SJR 18-Cunningham

#### HOUSE BILLS ON THIRD READING

HB 188-Rehder (Luetkemeyer)	SS for SCS for HCS for HB 397 (Riddle) (In Fiscal Oversight)
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#### CONSENT CALENDAR

House Bills

Reported 4/15

HB 655-Dinkins (Brown)

#### RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 8-Holsman	SCR 15-Burlison
SCR 13-Emery	SCR 19-Eigel

To be Referred

SCR 27-White

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# Journal of the Senate

## FIRST REGULAR SESSION

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**FIFTY-SIXTH DAY—WEDNESDAY, APRIL 24, 2019**

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The Senate met pursuant to adjournment.

Senator Luetkemeyer in the Chair.

Reverend Carl Gauck offered the following prayer:

“For the sake of my relatives and friends I will say, “peace be within you.” (Psalm 122:8)

Gracious God, we look about us and see the bounty of the earth and prosperity You are providing our people and for such we give You thanks and praise. We have resources You provide so we can care for those in need and provide protection so that we might live in peace and joy with each other and in Your presence. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Rowden announced photographers from KOMU-8 and The Missouri Times were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

**RESOLUTIONS**

Senator Hegeman offered Senate Resolution No. 697, regarding Katelyn Haines, Unionville, which was adopted.

Senator Hegeman offered Senate Resolution No. 698, regarding Hadley Williams, Milan, which was adopted.

Senator Sifton offered Senate Resolution No. 699, regarding Michael Martin, St. Louis, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 700, regarding Bill Wyrick, Jefferson City, which was adopted.

Senator Williams offered Senate Resolution No. 701, regarding Morley D. Winters, Clayton, which was adopted.

Senator Williams offered Senate Resolution No. 702, regarding Harold Albert “Pake” Paker, Bridgeton, which was adopted.

Senator Williams offered Senate Resolution No. 703, regarding Charles Dwain Christian, Florissant, which was adopted.

Senator Williams offered Senate Resolution No. 704, regarding Paul T. Brown, Hazelwood, which was adopted.

**HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCS for HB 937**—Rules, Joint Rules, Resolutions and Ethics.

**HB 930**—Government Reform.

**HB 769**—Judiciary and Civil and Criminal Jurisprudence.

**HB 1057**—Health and Pensions.

**HB 186**—Government Reform.

**HCS for HBs 281 & 570**—Education.

**HCS for HB 749**—Transportation, Infrastructure and Public Safety.

**HB 1062**—Commerce, Consumer Protection, Energy and the Environment.

**HCS for HB 1206**—Agriculture, Food Production and Outdoor Resources.

**HCS for HB 1151**—Judiciary and Civil and Criminal Jurisprudence.

**HB 756**—Insurance and Banking.

**HB 943**—Small Business and Industry.

**HCS for HB 951**—Agriculture, Food Production and Outdoor Resources.

## REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 3** for **SCS** for **SB 29**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

## HOUSE BILLS ON THIRD READING

**HCS** for **HB 1**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, and Fourth State Building Bond and Interest Fund, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was taken up by Senator Hegeman.

On motion of Senator Hegeman, **HCS** for **HB 1** was read the 3rd time and passed by the following vote:

### YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

### NAYS—Senators—None

### Absent—Senators—None

### Absent with leave—Senators—None

### Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 2**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was taken up by Senator Hegeman.

**SCS for HCS for HB 2**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was taken up.

Senator Hegeman moved that **SCS for HCS for HB 2** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SCS for HCS for HB 2** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Sater	Schatz	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

NAYS—Senator Schupp—1

Absent—Senator Rowden—1

Absent with leave—Senator Cunningham—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**HCS for HB 3**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was taken up by Senator Hegeman.

**SCS for HCS for HB 3**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was taken up.

Senator Hegeman moved that **SCS for HCS for HB 3** be adopted.

Senator Rowden assumed the Chair.

Senator Luetkemeyer assumed the Chair.

Senator Sifton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 3, Page 4, Section 3.070, Line 6, by striking the number “\$10,000,000” and inserting in lieu thereof the number “\$22,200,000”; and

Further amend said bill, page 5, section 3.075, line 3 by striking the number “\$10,000,000” and inserting in lieu thereof the number “\$23,200,000”; and

Further amend bill totals accordingly.

Senator Sifton moved that the above amendment be adopted, which motion failed.

Senator Hegeman moved that **SCS for HCS for HB 3** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SCS for HCS for HB 3** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Curls	Emery
Hegeman	Holsman	Hoskins	Hough	Koenig	Libla	Luetkemeyer
May	O’Laughlin	Onder	Riddle	Rizzo	Romine	Rowden
Sater	Schatz	Schupp	Sifton	Wallingford	Walsh	White
Wieland	Williams—30					

NAYS—Senators

Arthur                      Eigel—2

Absent—Senator Nasheed—1

Absent with leave—Senator Cunningham—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS** for **HB 926** and has taken up and passed **SCS** for **HB 926**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 182**, entitled:

An Act to repeal section 135.1670, RSMo, and to enact in lieu thereof one new section relating to incentives for interstate business relocation.

With House Amendment Nos. 1 and 2.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 182, Page 1, In the Title, Line 3, by deleting the words “incentives for interstate business relocation” and inserting in lieu thereof the words “political subdivisions”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 182, Page 2, Section 135.1670, Line 48, by inserting after said section and line the following:

“140.190. 1. On the day mentioned in the notice, the county collector shall commence the sale of such lands, and shall continue the same from day to day until each parcel assessed or belonging to each person assessed shall be sold as will pay the taxes, interest and charges thereon, or chargeable to such person in said county.

2. The person **or land bank agency** offering at said sale to pay the required sum for a tract shall be considered the purchaser of such land; provided, no sale shall be made to any person or designated agent who is currently delinquent on any tax payments on any property, other than a delinquency on the property being offered for sale, and who does not sign an affidavit stating such at the time of sale. Failure to sign such affidavit as well as signing a false affidavit may invalidate such sale. No bid shall be received from any person not a resident of the state of Missouri or a foreign corporation or entity all deemed nonresidents. A nonresident shall file with said collector an agreement in writing consenting to the jurisdiction of the circuit court of the county in which such sale shall be made, and also filing with such collector an appointment of some citizen of said county as agent of said nonresident, and consenting that service of process on such agent shall give such court jurisdiction to try and determine any suit growing out of or

connected with such sale for taxes. After the delinquent auction sale, any certificate of purchase shall be issued to the agent. After meeting the requirements of section 140.405, the property shall be conveyed to the agent on behalf of the nonresident, and the agent shall thereafter convey the property to the nonresident.

3. All such written consents to jurisdiction and selective appointments shall be preserved by the county collector and shall be binding upon any person or corporation claiming under the person consenting to jurisdiction and making the appointment herein referred to; provided further, that in the event of the death, disability or refusal to act of the person appointed as agent of said nonresident the county clerk shall become the appointee as agent of said nonresident.

**4. No person shall be eligible to offer to purchase lands under this section unless such person has, no later than ten days before the sale date, demonstrated to the satisfaction of the official charged by law with conducting the sale that the person is not the owner of any parcel of real property that has two or more violations of the municipality's building or housing codes. A prospective bidder may make such a demonstration by presenting statements from the appropriate collection and code-enforcement officials of the municipality. This subsection shall not apply to any taxing authority or land bank agency, and entities shall be eligible to bid at any sale conducted under this section without making such a demonstration.**

**140.980. 1. Sections 140.980 to 140.1015 shall be known and may be cited as the "Land Bank Act".**

**2. As used in sections 140.980 to 140.1015, the following terms mean:**

**(1) "Ancillary parcel", a parcel of real estate acquired by a land bank agency other than any sale conducted under section 140.190, 140.240, or 140.250;**

**(2) "Land bank agency", an agency established by a city under the authority of section 140.981;**

**(3) "Land taxes", taxes on real property or real estate, including the taxes both on land and the improvements thereon;**

**(4) "Political subdivision", any county, city, town, village, school district, library district, or any other public subdivision or public corporation that has the power to tax;**

**(5) "Reserve period taxes", land taxes assessed against any parcel of real estate sold or otherwise disposed of by a land bank agency for the first three tax years following such sale or disposition;**

**(6) "Tax bill", real estate taxes and the lien thereof, whether general or special, levied and assessed by any taxing authority;**

**(7) "Taxing authority", any governmental, managing, administering, or other lawful authority, now or hereafter empowered by law to issue tax bills.**

**140.981. 1. Any home rule city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants may establish a land bank agency for the management, sale, transfer, and other disposition of interests in real estate owned by such land bank agency. Any such land bank agency shall be established to foster the public purpose of returning land, including land that is in a nonrevenue-generating, nontax-producing status, to use in private ownership. A city may establish a land bank agency by ordinance, resolution, or rule, as applicable.**

**2. A land bank agency shall not own any interest in real estate located wholly or partially outside**



the city that established the land bank.

**3. The beneficiaries of the land bank agency shall be the taxing authorities that held or owned tax bills against the respective parcels of real estate acquired by such land bank agency pursuant to a sale conducted under section 140.190, 140.240, or 140.250, and their respective interests in each parcel of real estate shall be to the extent and in proportion to the priorities determined by the court on the basis that the principal amount of their respective tax bills bore to the total principal amount of all of the tax bills described in the judgment.**

**4. A land bank agency created under the land bank act shall be a public body corporate and politic and shall have permanent and perpetual duration until terminated and dissolved in accordance with the provisions of section 140.1012.**

**140.982. The governing body of the city establishing a land bank agency, or the chief administrative officer of the city establishing a land bank agency, shall have the power to organize and reorganize the executive, administrative, clerical, and other departments of the land bank agency and to fix the duties, powers, and compensation of all employees, agents, and consultants of the land bank agency. A land bank agency may employ a secretary, an executive director, its own counsel and legal staff, technical experts, and other agents and employees, permanent or temporary, as it may require and may determine the qualifications and fix the compensation and benefits of such persons. A land bank agency may also enter into contracts and agreements with political subdivisions for staffing services to be provided to the land bank agency by political subdivisions or agencies or departments thereof, or for a land bank agency to provide such staffing services to political subdivisions or agencies or departments thereof.**

**140.983. A land bank agency established under the land bank act shall have all powers necessary or appropriate to carry out and effectuate the purposes and provisions of the land bank act, including the following powers in addition to those herein otherwise granted:**

**(1) To adopt, amend, and repeal bylaws for the regulation of its affairs and the conduct of its business;**

**(2) To sue and be sued, in its own name, and plead and be impleaded in all civil actions including, but not limited to, actions to clear title to property of the land bank agency;**

**(3) To adopt a seal and to alter the same at pleasure;**

**(4) To borrow from private lenders, political subdivisions, the state, and the federal government as may be necessary for the operation and work of the land bank agency;**

**(5) To issue notes and other obligations according to the provisions of this chapter;**

**(6) To procure insurance or guarantees from political subdivisions, the state, the federal government, or any other public or private sources of the payment of any bond, note, loan, or other obligation, or portion thereof, incurred by the land bank agency and to pay any fees or premiums in connection therewith;**

**(7) To enter into contracts and other instruments necessary, incidental, or convenient to the performance of its duties and the exercise of its powers including, but not limited to, agreements with other land bank agencies and with political subdivisions for the joint exercise of powers under this**

**chapter;**

**(8) To enter into contracts and other instruments necessary, incidental, or convenient to:**

**(a) The performance of functions by the land bank agency on behalf of political subdivisions, or agencies or departments thereof; or**

**(b) The performance by political subdivisions, or agencies or departments thereof, of functions on behalf of the land bank agency;**

**(9) To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the land bank agency. Any contract or instrument if signed both by the executive director of the land bank agency and by the secretary, assistant secretary, treasurer, or assistant treasurer of the land bank agency, or by an authorized facsimile signature of any such positions, shall be held to have been properly executed for and on its behalf;**

**(10) To procure insurance against losses in connection with the property, assets, or activities of the land bank agency;**

**(11) To invest the moneys of the land bank agency, including amounts deposited in reserve or sinking funds, at the discretion of the land bank agency in instruments, obligations, securities, or property determined proper by the land bank agency and to name and use depositories for its moneys;**

**(12) To enter into contracts for the management of, the collection of rent from, or the sale of the property of the land bank agency;**

**(13) To design, develop, construct, demolish, reconstruct, rehabilitate, renovate, relocate, equip, furnish, and otherwise improve real property or rights or interests in real property held by the land bank agency;**

**(14) To fix, charge, and collect rents, fees, and charges for the use of the property of the land bank agency and for services provided by the land bank agency;**

**(15) To acquire property, whether by purchase, exchange, gift, lease, or otherwise, except not property not wholly located in the city that established the land bank agency; to grant or acquire licenses and easements; and to sell, lease, grant an option with respect to, or otherwise dispose of, any property of the land bank agency;**

**(16) To enter into partnerships, joint ventures, and other collaborative relationships with political subdivisions and other public and private entities for the ownership, management, development, and disposition of real property, except not for property not wholly located in the city that established the land bank agency; and**

**(17) Subject to the other provisions of this chapter and all other applicable laws, to do all other things necessary or convenient to achieve the objectives and purposes of the land bank agency or other laws that relate to the purposes and responsibility of the land bank agency.**

**140.984. 1. The income of a land bank agency shall be exempt from all taxation by the state and by any of its political subdivisions. Upon acquiring title to any real estate, a land bank agency shall immediately notify the county assessor and the county collector of such ownership, and such real**

estate shall be exempt from all taxation during the land bank agency's ownership thereof, in the same manner and to the same extent as any other publicly owned real estate. Upon the sale or other disposition of any real estate held by it, the land bank agency shall immediately notify the county assessor and the county collector of such change of ownership. However, that such tax exemption for improved and occupied real property held by the land bank agency as a lessor pursuant to a ground lease shall terminate upon the first occupancy, and the land bank agency shall immediately notify the county assessor and the county collector of such occupancy.

2. A land bank agency may acquire real property or interests in property by gift, devise, transfer, exchange, foreclosure, lease, purchase, or otherwise on terms and conditions and in a manner the land bank agency considers proper.

3. A land bank agency may acquire property by purchase contracts, lease purchase agreements, installment sales contracts, and land contracts and may accept transfers from political subdivisions upon such terms and conditions as agreed to by the land bank agency and the political subdivision. A land bank agency may bid on any parcel of real estate offered for sale, offered at a foreclosure sale under sections 140.220 to 140.250, or offered at a sale conducted under section 140.190, 140.240, or 140.250. Notwithstanding any other law to the contrary, any political subdivision may transfer to the land bank agency real property and interests in real property of the political subdivision on such terms and conditions and according to such procedures as determined by the political subdivision.

4. A land bank agency shall maintain all of its real property in accordance with the laws and ordinances of the jurisdictions in which the real property is located.

5. Upon issuance of a deed of a delinquent land tax auction under subsection 4 of section 140.250, subsection 5 of section 140.405, or other sale conducted under section 140.190, 140.240, or 140.250 of a parcel of real estate to a land bank agency, the land bank agency shall pay the amount of the land bank agency's bid that exceeds the amount of all tax bills included in the judgment, interest, penalties, attorney's fees, taxes, and costs then due thereon. If the real estate is acquired in a delinquent land tax auction, such excess shall be applied and distributed in accordance with section 140.230. Upon issuance of a deed, the county collector shall mark the tax bills included in the judgment as "cancelled by sale to the land bank" and shall take credit for the full amount of such tax bills, including principal amount, interest, penalties, attorney's fees, and costs, on his or her books and in his or her statements with any other taxing authorities.

6. A land bank shall not own real property unless the property is wholly located within the boundaries of the city that established the land bank agency.

140.985. 1. A land bank agency shall hold in its own name all real property acquired by such land bank agency irrespective of the identity of the transferor of such property.

2. A land bank agency shall maintain and make available for public review and inspection an inventory and history of all real property the land bank agency holds or formerly held. This inventory and history shall be available on the land bank agency's website and include at a minimum:

- (1) Whether a parcel is available for sale;
- (2) The address of the parcel if an address has been assigned;
- (3) The parcel number if no address has been assigned;

- (4) The year that a parcel entered the land bank agency's inventory;**
- (5) Whether a parcel has sold; and**
- (6) If a parcel has sold, the name of the person or entity to which it was sold.**

**3. The land bank agency shall determine and set forth in policies and procedures the general terms and conditions for consideration to be received by the land bank agency for the transfer of real property and interests in real property. Consideration may take the form of monetary payments and secured financial obligations, covenants, and conditions related to the present and future use of the property; contractual commitments of the transferee; and such other forms of consideration as the land bank agency determines to be in the best interest of its purpose.**

**4. A land bank agency may convey, exchange, sell, transfer, lease, grant, release and demise, pledge, and hypothecate any and all interests in, upon, or to property of the land bank agency. A land bank agency may gift any interest in, upon, or to property to the city that established the land bank agency.**

**5. A city may, in its resolution or ordinance creating a land bank agency, establish a hierarchical ranking of priorities for the use of real property conveyed by such land bank agency, subject to subsection 7 of this section, including, but not limited to:**

- (1) Use for purely public spaces and places;**
- (2) Use for affordable housing;**
- (3) Use for retail, commercial, and industrial activities;**
- (4) Use as wildlife conservation areas; and**
- (5) Such other uses and in such hierarchical order as determined by such city.**

**If a city, in its resolution or ordinance creating a land bank agency, establishes priorities for the use of real property conveyed by the land bank agency, such priorities shall be consistent with and no more restrictive than municipal planning and zoning ordinances.**

**6. The land bank agency may delegate to officers and employees the authority to enter into and execute agreements, instruments of conveyance, and all other related documents pertaining to the conveyance of property by the land bank agency.**

**7. A land bank agency shall only accept written offers equal to or greater than the full amount of all tax bills, interest, penalties, attorney's fees, and costs on real property to purchase the real property held by the land bank agency.**

**8. When any parcel of real estate acquired by a land bank agency is sold or otherwise disposed of by such land bank agency, the proceeds therefrom shall be applied and distributed in the following order:**

- (1) To the payment of the expenses of the sale;**
- (2) To fulfill the requirements of the resolution, indenture, or other financing documents adopted or entered into in connection with bonds, notes, or other obligations of the land bank agency, to the extent that such requirements may apply with respect to such parcel of real estate;**

**(3) To the balance to be retained by the land bank agency to pay the salaries and other expenses of such land bank agency and of its employees as provided for in its annual budget; and**

**(4) Any funds in excess of those necessary to meet the expenses of the annual budget of the land bank agency in any fiscal year and a reasonable sum to carry over into the next fiscal year to assure that sufficient funds will be available to meet initial expenses for that next fiscal year, exclusive of net profit from the sale of ancillary parcels, shall be paid to the respective taxing authorities that, at the time of the distribution, are taxing the real property from which the proceeds are being distributed. The distributions shall be in proportion to the amounts of the taxes levied on the properties by the taxing authorities. Distribution shall be made on January first and July first of each year, and at such other times as the land bank agency may determine.**

**9. When any ancillary parcel is sold or otherwise disposed of by such land bank agency, the proceeds therefrom shall be applied and distributed in the following order:**

**(1) To the payment of all land taxes and related charges then due on such parcel;**

**(2) To the payment of the expenses of sale;**

**(3) To fulfill the requirements of the resolution, indenture, or other financing documents adopted or entered into in connection with bonds, notes, or other obligations of the land bank agency, to the extent that such requirements may apply with respect to such parcel of real estate;**

**(4) To the balance to be retained by the land bank agency to pay the salaries and other expenses of such land bank agency and of its employees as provided for in its annual budget; and**

**(5) Any funds in excess of those necessary to meet the expenses of the annual budget of the land bank agency in any fiscal year and a reasonable sum to carry over into the next fiscal year to assure that sufficient funds will be available to meet initial expenses for that next fiscal year, shall be paid in accordance with subdivision (4) of subsection 8 of this section.**

**10. If a land bank agency owns more than five parcels of real property in a single city block and no written offer to purchase any of those properties has been submitted to the agency in the past twelve months, the land bank shall reduce its requested price for those properties and advertise the discount publicly.**

**140.986. 1. No later than two years from the date it acquired the property, a land bank agency shall either sell, put to a productive use, or show significant progress towards selling or putting to a productive use a parcel of real property. A productive use may be renting the property; demolishing all structures of the property; restoring property of historic value; or using the property for a community garden, park, or other open public space.**

**2. The governing body of the city may grant the land bank agency a one-year extension if the body believes unforeseen circumstances have delayed the sale or productive use of a parcel of property.**

**3. If a land bank agency owns a parcel of real property that does not have a productive use after two years, or does not receive an extension under subsection 2 of this section, the property shall be offered for public sale using the procedures under sections 140.170 to 140.190.**

**140.987. A land bank agency shall ensure that any contract for the sale of residential property owned by the land bank agency shall have a clause that the buyer shall own the property for three**

years following the buyer's purchase of the property from the land bank. The clause shall state that a violation of those terms makes the buyer civilly liable to the land bank agency for an amount equal to twice the sale price of the property.

**140.988. 1.** A land bank agency may receive funding through grants, gifts, and loans from political subdivisions, the state, the federal government, and other public and private sources.

**2.** Except as otherwise provided in subsections 8 and 9 of section 140.985, a land bank agency may receive and retain payments for services rendered, for rents and leasehold payments received, for consideration for disposition of real and personal property, for proceeds of insurance coverage for losses incurred, for income from investments, and for any other asset and activity lawfully permitted to a land bank agency under the land bank act.

**3.** If a land bank agency sells or otherwise disposes of a parcel of real estate held by it, any land taxes assessed against such parcel for the three tax years following such sale or disposition by such land bank agency that are collected by the county collector in a calendar year and not refunded, less the fees provided under section 52.260 and subsection 4 of this section and less the amounts to be deducted under section 137.720, shall be distributed by the county collector to such land bank agency no later than March first of the following calendar year, provided that land taxes impounded under section 139.031 or otherwise paid under protest shall not be subject to distribution under this subsection. Any amount required to be distributed to a land bank agency under this subsection shall be subject to offset for amounts previously distributed to such land bank agency that were assessed, collected, or distributed in error.

**4.** In addition to any other provisions of law related to collection fees, the county collector shall collect on behalf of the county a fee of four percent of reserve period taxes collected and such fees collected shall be deposited in the county general fund.

**140.991. 1.** There shall be an annual audit of the affairs, accounts, expenses, and financial transactions of a land bank agency by a certified public accountant before April thirtieth of each year, which accountant shall be employed by the land bank agency on or before March first of each year. Certified copies of the audit shall be furnished to the city that established the land bank agency, and the city shall post the audit on its public website. Copies of the audit shall also be available for public inspection at the office of the land bank agency.

**2.** The land bank agency may be performance audited at any time by the state auditor or by the auditor of the city that established the land bank agency. The cost of such audit shall be paid by the land bank agency, and copies shall be made available to the public and posted on the land bank agency's website within thirty days of the completion of the audit.

**140.997.** Except as otherwise provided under state law, the land bank agency meetings shall cause minutes and a record to be kept of all its proceedings. The land bank agency shall be subject to the provisions of chapter 109, chapter 610, and any other applicable provisions of law governing public records and public meetings.

**140.1000. 1.** No employee of a land bank agency shall receive any compensation, emolument, or other profit directly or indirectly from the rental, management, acquisition, sale, demolition, repair, rehabilitation, use, operation, ownership, or disposition of any lands held by such land bank agency

other than the salaries, expenses, and emoluments provided for in the land bank act.

2. No employee of a land bank agency shall own, directly or indirectly, any legal or equitable interest in or to any lands held by such land bank agency other than the salaries, expenses, and emoluments provided for in sections 140.980 to 140.1015.

3. A violation of this section is a felony. Any person found guilty of violating this section shall be sentenced to a term of imprisonment of no less than two years nor more than five years.

4. The land bank agency may adopt supplemental rules and regulations addressing potential conflicts of interest and ethical guidelines for land bank agency employees, provided that such rules and regulations are not inconsistent with this chapter or any other applicable law.

140.1003. Except as otherwise expressly set forth in sections 140.980 to 140.1015, in the exercise of its powers and duties under the land bank act and its powers relating to property held by the land bank agency, the land bank agency shall have complete control of the property as fully and completely as if it were a private property owner.

140.1006. 1. If any ancillary parcel is acquired by a land bank agency and is encumbered by a lien or claim for real property taxes owed to a taxing authority, such taxing authority may elect to contribute to the land bank agency all or any portion of such taxes that are distributed to and received by such taxing authority.

2. To the extent that a land bank agency receives payments or credits of any kind attributable to liens or claims for real property taxes owed to a taxing authority, the land bank agency shall remit the full amount of the payments to the county collector for distribution to the appropriate taxing authority.

140.1009. 1. A land bank agency shall be authorized to file an action to quiet title under section 527.150 as to any real property in which the land bank agency has an interest. For purposes of any and all such actions, the land bank agency shall be deemed to be the holder of sufficient legal and equitable interests, and possessory rights, so as to qualify the land bank agency as an adequate petitioner in such action.

2. Prior to the filing of an action to quiet title, the land bank agency shall conduct an examination of title to determine the identity of any and all persons and entities possessing a claim or interest in or to the real property. Service of the petition to quiet title shall be provided to all such interested parties by the following methods:

(1) Registered or certified mail to such identity and address as reasonably ascertainable by an inspection of public records;

(2) In the case of occupied real property, by first class mail addressed to "Occupant";

(3) By posting a copy of the notice on the real property;

(4) By publication in a newspaper of general circulation in the city in which the property is located; and

(5) Such other methods as the court may order.

3. As part of the petition to quiet title, the land bank agency shall file an affidavit identifying all

parties potentially having an interest in the real property and the form of notice provided.

4. The court shall schedule a hearing on the petition within ninety days following filing of the petition, and, as to all matters upon which an answer was not filed by an interested party, the court shall issue its final judgment within one hundred twenty days of the filing of the petition.

5. A land bank agency shall be authorized to join in a single petition to quiet title one or more parcels of real property.

**140.1012. 1.** A land bank agency may be dissolved as a public body corporate and politic no sooner than sixty calendar days after an ordinance or resolution for such dissolution is passed by the city that established the land bank agency.

2. No less than sixty calendar days' advance written notice of consideration of such an ordinance or resolution of dissolution shall be given to the land bank agency, shall be published in a local newspaper of general circulation within such city, and shall be sent certified mail to each trustee of any outstanding bonds of the land bank agency.

3. No land bank agency shall be dissolved while there remains any outstanding bonds, notes, or other obligations of the land bank agency unless such bonds, notes, or other obligations are paid or defeased pursuant to the resolution, indenture, or other financing document under which such bonds, notes, or other obligations were issued prior to or simultaneously with such dissolution.

4. Upon dissolution of a land bank agency pursuant to this section, all real property, personal property, and other assets of the land bank agency shall be transferred by appropriate written instrument to and shall become the assets of the city that established the land bank agency. Such city shall act expeditiously to return such real property to the tax rolls and shall market and sell such real property using an open, public method that ensures the best possible prices are realized while ensuring such real property is returned to a suitable, productive use for the betterment of the neighborhood in which such real property is located. Any such real property that was acquired by the dissolved land bank agency pursuant to a sale conducted under section 140.190, 140.240, or 140.250 shall be held by the city in trust for the tax bill owners and taxing authorities having an interest in any tax liens which were foreclosed, as their interests may appear in the judgment of foreclosure, and, upon the sale or other disposition of any such property by such city, the proceeds therefrom shall be applied and distributed in the following order:

(1) To the payment of the expenses of sale;

(2) To the reasonable costs incurred by such city in maintaining and marketing such property; and

(3) The balance shall be paid to the respective taxing authorities that, at the time of the distribution, are taxing the real property from which the proceeds are being distributed.

**140.1015.** A land bank agency shall neither possess nor exercise the power of eminent domain. A land bank agency shall not have the power to tax.

347.048. 1. (1) Any limited liability company that owns and rents or leases real property, or owns unoccupied real property, located within:

(a) Any home rule city with a population of more than four hundred thousand inhabitants which is



located in more than one county; [or]

(b) Any home rule city with more than one hundred sixteen thousand but fewer than one hundred fifty-five thousand inhabitants; **or**

**(c) Any home rule city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants**

shall file with that city's clerk an affidavit listing the name and street address of at least one natural person who has management control and responsibility for the real property owned and leased or rented by the limited liability company, or owned by the limited liability company and unoccupied.

(2) Within thirty days following the cessation of management control and responsibility of any natural person named in an affidavit described in this section, the limited liability company shall file a successor affidavit listing the name and street address of a natural person successor.

2. No limited liability company shall be charged a fee for filing an affidavit or successor affidavit required under this section.

3. If a limited liability company required by this section to file an affidavit or a successor affidavit fails or refuses to file such completed affidavit with the appropriate clerk, any person who is adversely affected by the failure or refusal or the home rule city may petition the circuit court in the county where the property is located to direct the execution and filing of such document.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

The Senate observed a moment of silence in memory of Henry Bloch.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Schatz.

### **RESOLUTIONS**

Senator Eigel offered Senate Resolution No. 705, regarding Maurice L. “Marty” Berning, St. Charles, which was adopted.

Senator Eigel offered Senate Resolution No. 706, regarding Charles John Wonsewitz, St. Peters, which was adopted.

Senator Sater offered Senate Resolution No. 707, regarding Addie M. Gaines, Branson, which was adopted.

Senator White offered Senate Resolution No. 708, regarding David Lee Durall II, Joplin, which was adopted.

Senator White offered Senate Resolution No. 709, regarding Jeff Flener, Joplin, which was adopted.

Senator Hough offered Senate Resolution No. 710, regarding Tommy and Glenda Pike, Springfield, which was adopted.

Senator Emery offered Senate Resolution No. 711, regarding Briana M. Chiodini, Harrisonville, which was adopted.

Senator Wieland offered Senate Resolution No. 712, regarding Eugene J. “Gene” Courisky, Fenton, which was adopted.

Senator Wieland offered Senate Resolution No. 713, regarding Eagle Scout Jake Muessig, Arnold, which was adopted.

Senator Wieland offered Senate Resolution No. 714, regarding Jeffco Subcontracting Incorporated, Arnold, which was adopted.

### HOUSE BILLS ON THIRD READING

**HCS for HB 4, with SCS, entitled:**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was taken up by Senator Hegeman.

**SCS for HCS for HB 4, entitled:**

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was taken up.

Senator Hegeman moved that **SCS for HCS for HB 4** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SCS for HCS for HB 4** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Curls
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo
Sater	Schatz	Sifton	Wallingford	White	Wieland—27	

#### NAYS—Senators

Arthur	Eigel	Schupp	Walsh	Williams—5
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#### Absent—Senators

Romine	Rowden—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**HCS for HB 5, with SCS, entitled:**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was taken up by Senator Hegeman.

**SCS for HCS for HB 5, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 5

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was taken up.

Senator Hegeman moved that **SCS for HCS for HB 5** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SCS for HCS for HB 5** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senator Eigel—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**HCS for HB 6, with SCS, entitled:**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2019, and ending June 30, 2020.

Was taken up by Senator Hegeman.

**SCS for HCS for HB 6, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 6

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2019, and ending June 30, 2020.

Was taken up.

Senator Hegeman moved that **SCS for HCS for HB 6** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SCS for HCS for HB 6** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senator Schupp—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Emery assumed the Chair.

**HCS for HB 7, with SCS, entitled:**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was taken up by Senator Hegeman.

**SCS for HCS for HB 7, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was taken up.

Senator Hegeman moved that **SCS for HCS for HB 7** be adopted.

Senator Eigel assumed the Chair.

Senator Hegeman offered **SS for SCS for HCS for HB 7**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Senator Hegeman moved that **SS for SCS for HCS for HB 7** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SS for SCS for HCS for HB 7** was read the 3rd time and passed by

the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**HCS for HB 8, with SCS, entitled:**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was taken up by Senator Hegeman.

**SCS for HCS for HB 8, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 8

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was taken up.

Senator Hegeman moved that **SCS for HCS for HB 8** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SCS for HCS for HB 8** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
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Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**HCS for HB 9, with SCS, entitled:**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2019, and ending June 30, 2020.

Was taken up by Senator Hegeman.

**SCS for HCS for HB 9, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 9

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2019, and ending June 30, 2020.

Was taken up.

Senator Hegeman moved that **SCS for HCS for HB 9** be adopted.

Senator Sifton offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 9, Page 17, Section 9.270, Line 9, by inserting immediately after said line the following:

“, and further provided no funds shall be spent to reimburse any county that has not adopted a policy expressly prohibiting the shackling of pregnant inmates in the third trimester of pregnancy unless extraordinary circumstances exist and such circumstances are documented within 48 hours.”

Senator Sifton moved that the above amendment be adopted, which motion failed.

Senator Hegeman moved that **SCS** for **HCS** for **HB 9** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SCS** for **HCS** for **HB 9** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Williams—33		

NAYS—Senator Wieland—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Rowden assumed the Chair.

**HCS** for **HB 10**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was taken up by Senator Hegeman.

**SCS** for **HCS** for **HB 10**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was taken up.



Senator Hegeman moved that **SCS** for **HCS** for **HB 10** be adopted.

Senator Hegeman offered **SS** for **SCS** for **HCS** for **HB 10**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Senator Hegeman moved that **SS** for **SCS** for **HCS** for **HB 10** be adopted.

Senator Holsman offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 46, Section 10.1100, Lines 4-5, by deleting all of said lines from the bill, and inserting in lieu thereof the following: “No funds shall be expended to any abortion facility”.

Senator Holsman moved that the above amendment be adopted, which motion failed.

Senator Hegeman moved that **SS** for **SCS** for **HCS** for **HB 10** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SS** for **SCS** for **HCS** for **HB 10** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Crawford	Cunningham	Curls	Emery
Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer	May
Nasheed	O’Laughlin	Onder	Riddle	Rizzo	Romine	Rowden
Sater	Schatz	Wallingford	White—25			

NAYS—Senators

Arthur	Eigel	Holsman	Schupp	Sifton	Walsh	Wieland
Williams—8						

Absent—Senator Cierpiot—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Wallingford moved that motion lay on the table, which motion prevailed.

**HCS for HB 11, with SCS, entitled:**

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was taken up by Senator Hegeman.

**SCS for HCS for HB 11, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was taken up.

President Pro Tem Schatz assumed the Chair.

Senator Hegeman moved that **SCS for HCS for HB 11** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SCS for HCS for HB 11** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls	Emery
Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer	O’Laughlin
Onder	Riddle	Rizzo	Romine	Rowden	Sater	Schatz
Wallingford	Walsh	White—24				

NAYS—Senators

Arthur	Burlison	Eigel	Holsman	May	Schupp	Sifton
Wieland	Williams—9					

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Rowden assumed the Chair.

**HCS for HB 12, with SCS, entitled:**

An Act to appropriate money for expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2019, and ending June 30, 2020.

Was taken up by Senator Hegeman.

**SCS for HCS for HB 12, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 12

An Act to appropriate money for expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2019, and ending June 30, 2020.

Was taken up.

Senator Hegeman moved that **SCS for HCS for HB 12** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SCS for HCS for HB 12** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Curls
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	O'Laughlin	Onder	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Sifton	Wallingford	Walsh	White

Wieland—29

## NAYS—Senators

Arthur	Eigel	Schupp	Williams—4
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Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Wallingford moved that motion lay on the table, which motion prevailed.

**HCS for HB 13, with SCS, entitled:**

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was taken up by Senator Hegeman.

**SCS for HCS for HB 13, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 13

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was taken up.

Senator Hegeman moved that **SCS for HCS for HB 13** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SCS for HCS for HB 13** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Wallingford moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House requests the Senate to return **HCS** for **SB 182**, as amended, to the House for the purpose of correcting a drafting error in House Amendment No. 2.

### PRIVILEGED MOTIONS

Senator Cierpiot moved that the Senate return **HCS** for **SB 182**, as amended, to the House, per their request, which motion prevailed.

### REFERRALS

President Pro Tem Schatz referred **SCR 27** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Schatz referred **SS No. 3** for **SCS** for **SB 29**; **HB 485**, with **SCS**; **HB 113**, with **SCS**; and **SS** for **SCS** for **SBs 70** and **128** to the Committee on Fiscal Oversight.

### RESOLUTIONS

Senator Walsh offered Senate Resolution No. 715, regarding Cathy Bono, Florissant, which was adopted.

Senator Walsh offered Senate Resolution No. 716, regarding Allen Raymond “Al” Nelson, Florissant, which was adopted.

Senator Walsh offered Senate Resolution No. 717, regarding Susan Cook-Williams, Cole County, which was adopted.

Senator Walsh offered Senate Resolution No. 718, regarding Dale Verslues, Cole County, which was adopted.

Senator Nasheed offered Senate Resolution No. 719, regarding Mildred Lee Griffin, St. Louis, which was adopted.

Senator Nasheed offered Senate Resolution No. 720, regarding Edward Drew, St. Louis, which was adopted.

Senator Riddle offered Senate Resolution No. 721, regarding Robert Ninness, Jefferson City, which was adopted.

### INTRODUCTION OF GUESTS

Senator Riddle introduced to the Senate, Activities Director Jeff Anderson; Coach Keith Louder; and

Rebecca Haeffling, Taylor DeMint, Abby Oetting, Logan Blevins, Reghan Smith, Hayley Mills, Shelbi Shaw, Taylor Sherrow, Kaylee Jones, Paytience Lawson-Holman, Aaryn Sampo, Ashlee Owen, Mattie Roth and Raigan Playtor, Mexico Girls Softball team.

Senator Cunningham introduced to the Senate, Sheri and John Benson, Amber Brand, Jasmine Martin, Debra and Dean Rainey, and Sara Hyde, Marshfield.

Senator Nasheed introduced to the Senate, the Physician of the Day, Dr. Tammara S. Goldschmidt, St. Louis.

Senator Schupp introduced to the Senate, the Class 4 State Champion Ladue Horton Watkins High School Varsity football team.

Senator Schupp introduced to the Senate, the Class 1 State Champion Ladue Horton Watkins Lady Rams Girls Swim/Dive team.

Senator Schupp introduced to the Senate, the Class 3 State Wrestling Champion Jake Mann, Ladue Horton Watkins High School.

Senator Cunningham introduced to the Senate, Lloyd Gunter, Alan Thomas and Wayne Plunkett, Webster County.

Senator White introduced to the Senate, Advisor Angel Roller, and fifteen members of the Seneca FFA.

Senator Williams introduced to the Senate, Kathy Koetting and Margaret Benz, St. Louis.

Senator Luetkemeyer introduced to the Senate, eighth-grade students from St. Therese Grade School, Kansas City; and Zach Kramp, Elizabeth Ahers and Lily Sowle were made honorary pages.

Senator Romine introduced to the Senate, Debbie and Chip Peterson, and Sue Brown, Farmington.

Senator Sater introduced to the Senate, Advisor Jordon Ellis, and Mason and Lauren Schallert, Purdy High School FFA.

Senator Riddle introduced to the Senate, Kenny Block, Kevin Jayne, Cathy Braungardt and Cherie Lavy, Montgomery County.

Senator Luetkemeyer introduced to the Senate, Chris Young, Kansas City.

On motion of Senator Wallingford, the Senate adjourned under the rules.

## SENATE CALENDAR

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FIFTY-SEVENTH DAY—THURSDAY, APRIL 25, 2019

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## FORMAL CALENDAR

## HOUSE BILLS ON SECOND READING

HCB 5-Ruth  
 HCB 10-Shaul  
 HCB 7-Roeber

HCS for HB 919  
 HCS for HB 1099  
 HB 1237-Fitzwater

### THIRD READING OF SENATE BILLS

SCS for SB 465-Burlison (In Fiscal Oversight)  
 SS for SCS for SBs 70 & 128-Hough  
 (In Fiscal Oversight)

SS#3 for SCS for SB 29-Hegeman  
 (In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

1. SB 514-Sater
2. SB 430-Libla
3. SB 186-Hegeman
4. SB 302-Wallingford
5. SB 347-Burlison
6. SB 439-Brown
7. SB 303-Riddle, with SCS
8. SB 376-Riddle
9. SB 82-Cunningham, with SCS
10. SB 161-Cunningham
11. SB 144-Burlison, with SCS
12. SJR 20-Koenig, with SCS
13. SB 208-Wallingford

14. SB 189-Crawford, with SCS
15. SB 385-Bernskoetter
16. SB 409-Wieland, et al
17. SB 437-Hoskins
18. SB 286-Hough
19. SB 325-Crawford, with SCS
20. SBs 8 & 74-Emery, with SCS
21. SB 386-O'Laughlin, with SCS
22. SB 272-Emery, with SCS
23. SB 265-Luetkemeyer, with SCS
24. SB 135-Sifton, with SCS
25. SB 342-Curls and Nasheed
26. SB 424-Luetkemeyer

### HOUSE BILLS ON THIRD READING

1. HCS for HB 225, with SCS (Romine)
2. HCS for HB 255 (Cierpiot)
3. HCS for HB 469 (Wallingford)
4. HCS for HB 677 (Cierpiot)
5. HB 260-Taylor, with SCS (Bernskoetter)
6. HCS for HB 547, with SCS (Bernskoetter)
7. HCS for HB 169, with SCS (Romine)
8. HB 219-Wood (Sater) (In Fiscal Oversight)
9. HB 831-Sharpe (Brown)
10. HCS for HB 694 (Riddle)
11. HCS#2 for HB 499 (Schatz)  
 (In Fiscal Oversight)
12. HCS for HB 192, with SCS (Emery)  
 (In Fiscal Oversight)

13. HB 485-Dogan, with SCS (Emery)  
 (In Fiscal Oversight)
14. HCS for HB 564, with SCS (Koenig)  
 (In Fiscal Oversight)
15. HCS for HB 678, with SCS (Williams)
16. HCS for HB 399, with SCS (Hoskins)
17. HB 126-Schroer, with SCS (Koenig)  
 (In Fiscal Oversight)
18. HB 138-Kidd (Wallingford)
19. HB 332-Lynch, with SCS (Wallingford)  
 (In Fiscal Oversight)
20. HCS for HBs 243 & 544, with SCS (Arthur)
21. HCS for HB 220, with SCS (O'Laughlin)
22. HB 821-Solon (Luetkemeyer)

23. HB 565-Morse, with SCS (Wallingford)  
24. HCS for HB 447, with SCS (Riddle)  
(In Fiscal Oversight)

25. HB 113-Smith, with SCS (Emery)  
(In Fiscal Oversight)

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 1-Curls and Nasheed, with SCS  
SB 3-Curls  
SB 4-Sater  
SB 5-Sater, et al, with SCS  
SB 10-Cunningham, with SCS & SA 1 (pending)  
SB 14-Wallingford  
SB 16-Romine, with SCS, SS for SCS, SA 3  
& point of order (pending)  
SB 19-Libla, with SA 1 (pending)  
SB 31-Wieland  
SB 37-Onder and Nasheed, with SCS  
SB 39-Onder  
SB 44-Hoskins, with SCS & SS#3 for SCS  
(pending)  
SBs 46 & 50-Koenig, with SCS, SS for SCS  
& SA 6 (pending)  
SB 49-Rowden, with SCS  
SB 52-Eigel, with SCS  
SB 56-Cierpiot, with SCS, SS for SCS &  
SA 1 (pending)  
SB 57-Cierpiot  
SB 62-Burlison, with SCS  
SB 65-White, with SS (pending)  
SB 69-Hough  
SB 76-Sater, with SCS (pending)  
SB 78-Sater  
SB 97-Hegeman, with SCS  
SB 100-Riddle, with SS (pending)  
SB 118-Cierpiot, with SCS  
SB 132-Emery, with SCS  
SB 141-Koenig  
SB 150-Koenig, with SCS  
SBs 153 & 117-Sifton, with SCS  
SB 154-Luetkemeyer, with SS & SA 2 (pending)

SB 155-Luetkemeyer  
SB 160-Koenig, with SCS, SS for SCS &  
SA 2 (pending)  
SB 168-Wallingford, with SCS  
SB 201-Romine  
SB 205-Arthur, with SCS  
SB 211-Wallingford  
SB 222-Hough  
SB 224-Luetkemeyer, with SS#2 (pending)  
SB 225-Curls  
SB 234-White  
SB 252-Wieland, with SCS  
SB 255-Bernskoetter  
SB 259-Romine, with SS & SA 3 (pending)  
SB 276-Rowden, with SCS  
SB 278-Wallingford, with SCS  
SBs 279, 139 & 345-Onder and Emery,  
with SCS  
SB 292-Eigel, with SCS & SS#2 for SCS  
(pending)  
SB 293-Hough, with SCS  
SB 296-Cierpiot, with SCS  
SB 298-White, with SCS  
SB 300-Eigel  
SB 312-Eigel  
SB 316-Burlison  
SB 318-Burlison  
SB 328-Burlison, with SCS  
SB 332-Brown  
SB 336-Schupp  
SB 343-Eigel, with SCS  
SB 344-Eigel, with SCS  
SB 349-O'Laughlin, with SCS  
SB 350-O'Laughlin



SB 354-Cierpiot, with SCS

SB 391-Bernskoetter, with SS &amp; SA 2 (pending)

SB 412-Holsman

SB 426-Williams

SB 431-Schatz, with SCS

SJR 1-Sater and Onder, with SS#2 & SA 1  
(pending)SJR 13-Holsman, with SCS, SS for SCS &  
SA 1 (pending)

SJR 18-Cunningham

## HOUSE BILLS ON THIRD READING

HB 188-Rehder (Luetkemeyer)

SS for SCS for HCS for HB 397 (Riddle)  
(In Fiscal Oversight)

## CONSENT CALENDAR

House Bills

Reported 4/15

HB 655-Dinkins (Brown)

## RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 8-Holsman

SCR 13-Emery

SCR 15-Burlison

SCR 19-Eigel

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# Journal of the Senate

FIRST REGULAR SESSION

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**FIFTY-SEVENTH DAY—THURSDAY, APRIL 25, 2019**

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The Senate met pursuant to adjournment.

Senator Hough in the Chair.

Reverend Carl Gauck offered the following prayer:

“You have put gladness in my heart more than when their grain and wine abound.” (Psalm 4:7)

Almighty God, we complete another week of working together mindful of Your call to serve that we each have been given for which we are truly grateful. We leave knowing Your presence is with us and will guide us to our destinations. Let us find ways to honor those You have given us to love and show appreciation for what they do that allows us to be here. And may we find ways to show our thankfulness to You our God. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

President Kehoe assumed the Chair.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Onder offered Senate Resolution No. 722, regarding Gia Doreé Bargaineer, which was adopted.

Senator Onder offered Senate Resolution No. 723, regarding Arieona Janae Witherspoon, which was adopted.

Senator Eigel offered Senate Resolution No. 724, regarding Pump It Up, which was adopted.

Senator Eigel offered Senate Resolution No. 725, regarding Patterson Mold and Tool, which was adopted.

Senator Eigel offered Senate Resolution No. 726, regarding Ameristar Casino Resort and Spa, St. Charles, which was adopted.

Senator Eigel offered Senate Resolution No. 727, regarding Assistance Home Care, which was adopted.

Senator Eigel offered Senate Resolution No. 728, regarding Cintas, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 729, regarding Chris Nilsen, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 730, regarding Jeff Kaiser, which was adopted.

Senator Hoskins offered the following resolution:

SENATE RESOLUTION NO. 731

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Twenty-first District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the One Hundredth General Assembly, First Regular Session, that Senate Rule 51 be amended to read as follows:

“Rule 51. A majority of the members of a committee constitutes a quorum. No committee shall take final action on a bill unless a quorum is present. Each committee shall keep a record of the members present when a bill is finally considered; and this record and the record of the votes cast shall be filed by the committee with its report. (Constitution, Art. III, Sec. 22.) No bill shall be reported from a committee unless such action is approved by affirmative vote by a majority of those present. Votes of “present” and abstentions from voting shall not be counted in the affirmative or negative. Executive sessions may be used only for purposes of discussion. **Upon request of a member of the committee for a roll call vote on any question before the committee, and the request being seconded by another member of the committee, the chair of the committee shall grant a roll call vote on the question before the committee.**”

**REPORTS OF STANDING COMMITTEES**

Senator Schatz, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

William “Bill” Monroe Abbott and Richard C. Peerson, as members of the Petroleum Storage Tank Insurance Fund Board of Trustees;

Also,

Aimee Agderian, Captain Benjamin C. Jones and John W. Worden, as members of the Peace Officer

Standards and Training Commission;

Also,

Lindell Lindsey, as a member of the Well Installation Board;

Also,

David Michael Malecki, Republican, as Southern District Commissioner of the Benton County Commission;

Also,

Deborah Sue Peterson, Republican, as a member of the Missouri Health Facilities Review Committee;

Also,

Dr. Kenneth F. Scott, Jr. and Jason T. White, as members of the Missouri 911 Service Board; and

Senator Schatz requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Schatz moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

President Pro Tem Schatz assumed the Chair.

Senator Romine, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 604**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Emery, Chairman of the Committee on Government Reform, submitted the following reports:

Mr. President: Your Committee on Government Reform, to which was referred **HB 214**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **HCS** for **HB 1088**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wallingford, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HB 355**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS** for **HB 160**, begs leave to report that it has considered the same and recommends

that the Senate Committee Substitute, hereto attached, do pass.

Senator Libla, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following report:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 584**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wieland, Chairman of the Committee on Insurance and Banking, submitted the following reports:

Mr. President: Your Committee on Insurance and Banking, to which was referred **HB 599**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **HB 1029**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following report:

Mr. President: Your Committee on Professional Registration, to which was referred **HB 257**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Onder, Chairman of the Committee on Health and Pensions, submitted the following report:

Mr. President: Your Committee on Health and Pensions, to which was referred **HB 563**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hoskins, Chairman of the Committee on Small Business and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business and Industry, to which was referred **HCS for HB 266**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business and Industry, to which was referred **HCS for HB 959**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Koenig, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS for HB 333**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Eigel, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **HB 461**, begs leave to report

that it has considered the same and recommends that the bill do pass.

Senator Bernskoetter, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HB 824**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HB 587**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator White, Chairman of the Committee on Veterans and Military Affairs, submitted the following report:

Mr. President: Your Committee on Veterans and Military Affairs, to which was referred **HCS** for **HB 346**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **SS** for **SCS** for **HCS** for **HB 397**; **HCS** for **HB 564**, with **SCS**; **HCS** for **HB 447**, with **SCS**; **HCS No. 2** for **HB 499**; **HB 126**, with **SCS**; **HB 219**; **HCS** for **HB 192**, with **SCS**; and **HB 332**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 21**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 22**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 23**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **HCR 16**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 18**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

President Kehoe assumed the Chair.

The Senate observed a moment of silence in memory of Dr. James Frank.

### HOUSE BILLS ON THIRD READING

**HB 655**, introduced by Representative Dinkins, entitled:

An Act to repeal section 270.400, RSMo, and to enact in lieu thereof one new section relating to feral hogs.

Was called from the Consent Calendar and taken up by Senator Brown.

On motion of Senator Brown, **HB 655** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

#### NAYS—Senators—None

#### Absent—Senators

Holsman                Schatz—2

#### Absent with leave—Senators—None

#### Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### SENATE BILLS FOR PERFECTION

Senator Onder moved that **SB 37**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 37**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 37

An Act to repeal section 567.050, RSMo, and to enact in lieu thereof one new section relating to the

offense of promoting prostitution, with penalty provisions.

Was taken up.

Senator Onder moved that **SCS** for **SB 37** be adopted.

Senator Onder offered **SS** for **SCS** for **SB 37**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 37

An Act to repeal section 567.050, RSMo, and to enact in lieu thereof one new section relating to the offense of promoting prostitution, with penalty provisions.

Senator Onder moved that **SS** for **SCS** for **SB 37** be adopted.

Senator Arthur offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 37, Page 1, Lines 3-4, by striking the words “the offense of promoting prostitution” and inserting in lieu thereof the following: “victims of certain crimes”; and

Further amend said bill and page, section A, line 3 by inserting after all of said line the following:

**“441.920. 1. For purposes of this section, the following terms mean:**

**(1) “Domestic violence”, as such term is defined in section 455.010;**

**(2) “Sexual assault”, as such term is defined in section 455.010;**

**(3) “Stalking”, as such term is defined in section 455.010.**

**2. No applicant, tenant, or lessee shall be denied tenancy, be evicted from the premises, or found to be in violation of a lease agreement on the basis of or as a direct result of the fact that the applicant, tenant, or lessee is, has been, or is in imminent danger of becoming a victim of domestic violence, sexual assault, or stalking if the applicant, tenant, or lessee otherwise qualifies for tenancy or occupancy in the premises. The provisions of this subsection shall not apply if:**

**(1) The applicant, tenant, or lessee allowed the person named in any documentation listed in subsection 4 of this section into the premises; or**

**(2) The landlord or property owner reasonably believes that a person named in any documentation listed in subsection 4 of this section poses a threat to the safety of the other occupants or the property.**

**3. In any action brought by a landlord against a tenant under this chapter, chapter 534, or chapter 535, a tenant shall have an affirmative defense and not be liable for rent for the period after which the tenant vacates the premises owned by the landlord if, by a preponderance of the evidence, the court finds that the tenant was a victim or was in imminent danger of becoming a victim of domestic violence, sexual assault, or stalking and the tenant notified the landlord and has provided any requested documentation under subsection 4 of this section.**



**4. An applicant, tenant, or lessee shall qualify for the protections under this section if he or she provides a statement of such domestic violence, sexual assault, or stalking to his or her landlord or the property owner. If the landlord or property owner requests, the applicant, tenant, or lessee shall provide documentation of the domestic violence, sexual assault, or stalking, which may be in any of the following forms:**

**(1) A document signed by an employee of a victim service provider, or a health care professional or mental health professional from whom the victim has sought assistance relating to domestic violence, sexual assault, stalking, or the effects of abuse stating that, under penalty of perjury, the individual believes in the occurrence of the incident of domestic violence, sexual assault, or stalking that is the ground for protection, and that the incident meets the applicable definition of domestic violence, sexual assault, or stalking. Such document shall be signed by the victim; or**

**(2) A record of a federal, state, or local law enforcement agency, including a police report, a court, or an administrative agency pertaining to the alleged incident of domestic violence, sexual assault, or stalking.**

**5. The submission of false information by an applicant, tenant, or lessee under this section may be a basis for a denial of tenancy, eviction, or a violation of a lease agreement.**

**6. Any landlord or property owner may impose a reasonable termination fee on a tenant or lessee who desires to terminate a lease before the expiration date of such lease under the provisions of this section.**

**7. The provisions of this section shall only apply to residential properties.”; and**

Further amend the title and enacting clause accordingly.

Senator Arthur moved that the above amendment be adopted, which motion prevailed.

Senator Brown offered SA 2:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 37, Page 1, In the Title, Lines 3-4 of said title, by striking “the offense of promoting prostitution” and inserting in lieu thereof the following: “certain crimes against the person”; and

Further amend said bill and page, section A, line 3 of said page, by inserting after all of said line the following:

“565.021. 1. A person commits the offense of murder in the second degree if he or she:

**(1) Knowingly causes the death of another person or, with the purpose of causing serious physical injury to another person, causes the death of another person; [or]**

**(2) Commits or attempts to commit any felony, and, in the perpetration or the attempted perpetration of such felony or in the flight from the perpetration or attempted perpetration of such felony, another person is killed as a result of the perpetration or attempted perpetration of such felony or immediate flight from the perpetration of such felony or attempted perpetration of such felony; or**

**(3) Knowingly manufactures, delivers, or distributes a Schedule I or II controlled substance, as**

**described in section 195.017 and regulations promulgated by the department of health and senior services and excluding marijuana for medical use as authorized by article XVI of the Missouri Constitution, in violation of chapters 195 or 579, and such controlled substance thereafter is the proximate cause of the death of another person who uses or consumes such controlled substance. It shall not be a defense that the defendant did not directly deliver or distribute the controlled substance to the decedent.**

2. The offense of murder in the second degree is a class A felony, and the punishment for second degree murder shall be in addition to the punishment for commission of a related felony or attempted felony, other than murder or manslaughter.

3. Notwithstanding section 556.046 and section 565.029, in any charge of murder in the second degree, the jury shall be instructed on, or, in a jury-waived trial, the judge shall consider, any and all of the subdivisions in subsection 1 of this section which are supported by the evidence and requested by one of the parties or the court.”; and

Further amend the title and enacting clause accordingly.

Senator Brown moved that the above amendment be adopted, which motion prevailed.

Senator Bernskoetter assumed the Chair.

President Kehoe assumed the Chair.

Senator Onder moved that **SS** for **SCS** for **SB 37**, as amended, be adopted, which motion prevailed.

On motion of Senator Onder, **SS** for **SCS** for **SB 37**, as amended, was declared perfected and ordered printed.

Senator Curls moved that **SB 1**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 1**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1

An Act to repeal section 610.140, RSMo, and to enact in lieu thereof one new section relating to expungement of certain criminal records.

Was taken up.

Senator Curls moved that **SCS** for **SB 1** be adopted, which motion prevailed.

On motion of Senator Curls, **SCS** for **SB 1** was declared perfected and ordered printed.

Senator Bernskoetter moved that **SB 255** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Bernskoetter, **SB 255** was declared perfected and ordered printed.

Senator Sater moved that **SB 514** be taken up for perfection, which motion prevailed.

On motion of Senator Sater, **SB 514** was declared perfected and ordered printed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 326**, entitled:

An Act to amend chapter 324, RSMo, by adding thereto eleven new sections relating to statewide mechanical contractor licenses, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 337**, entitled:

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to funding for senior services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 685**, entitled:

An Act to repeal section 89.020, RSMo, and to enact in lieu thereof three new sections relating to property classification.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1083**, entitled:

An Act to repeal sections 488.426, 543.270, and 558.006, RSMo, and to enact in lieu thereof four new sections relating to courts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 182**, entitled:

An Act to repeal section 135.1670, RSMo, and to enact in lieu thereof one new section relating to

incentives for interstate business relocation.

With House Amendment No. 1, House Amendment No. 3 to House Amendment No. 2 and House Amendment No 2, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 182, Page 1, In the Title, Line 3, by deleting the words “incentives for interstate business relocation” and inserting in lieu thereof the words “political subdivisions”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3 TO  
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Bill No. 182, Page 1, Line 27, by inserting after the words, “**No person**” the words, “**residing in any home rule city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 182, Page 2, Section 135.1670, Line 48, by inserting after said section and line the following:

“140.190. 1. On the day mentioned in the notice, the county collector shall commence the sale of such lands, and shall continue the same from day to day until each parcel assessed or belonging to each person assessed shall be sold as will pay the taxes, interest and charges thereon, or chargeable to such person in said county.

2. The person **or land bank agency** offering at said sale to pay the required sum for a tract shall be considered the purchaser of such land; provided, no sale shall be made to any person or designated agent who is currently delinquent on any tax payments on any property, other than a delinquency on the property being offered for sale, and who does not sign an affidavit stating such at the time of sale. Failure to sign such affidavit as well as signing a false affidavit may invalidate such sale. No bid shall be received from any person not a resident of the state of Missouri or a foreign corporation or entity all deemed nonresidents. A nonresident shall file with said collector an agreement in writing consenting to the jurisdiction of the circuit court of the county in which such sale shall be made, and also filing with such collector an appointment of some citizen of said county as agent of said nonresident, and consenting that service of process on such agent shall give such court jurisdiction to try and determine any suit growing out of or connected with such sale for taxes. After the delinquent auction sale, any certificate of purchase shall be issued to the agent. After meeting the requirements of section 140.405, the property shall be conveyed to the agent on behalf of the nonresident, and the agent shall thereafter convey the property to the nonresident.

3. All such written consents to jurisdiction and selective appointments shall be preserved by the county collector and shall be binding upon any person or corporation claiming under the person consenting to jurisdiction and making the appointment herein referred to; provided further, that in the event of the death, disability or refusal to act of the person appointed as agent of said nonresident the county clerk shall become the appointee as agent of said nonresident.

**4. No person shall be eligible to offer to purchase lands under this section unless such person has, no later than ten days before the sale date, demonstrated to the satisfaction of the official charged by law with conducting the sale that the person is not the owner of any parcel of real property that has two or more violations of the municipality's building or housing codes. A prospective bidder may make such a demonstration by presenting statements from the appropriate collection and code-enforcement officials of the municipality. This subsection shall not apply to any taxing authority or land bank agency, and entities shall be eligible to bid at any sale conducted under this section without making such a demonstration.**

**140.980. 1. Sections 140.980 to 140.1015 shall be known and may be cited as the "Land Bank Act".**

**2. As used in sections 140.980 to 140.1015, the following terms mean:**

**(1) "Ancillary parcel", a parcel of real estate acquired by a land bank agency other than any sale conducted under section 140.190, 140.240, or 140.250;**

**(2) "Land bank agency", an agency established by a city under the authority of section 140.981;**

**(3) "Land taxes", taxes on real property or real estate, including the taxes both on land and the improvements thereon;**

**(4) "Political subdivision", any county, city, town, village, school district, library district, or any other public subdivision or public corporation that has the power to tax;**

**(5) "Reserve period taxes", land taxes assessed against any parcel of real estate sold or otherwise disposed of by a land bank agency for the first three tax years following such sale or disposition;**

**(6) "Tax bill", real estate taxes and the lien thereof, whether general or special, levied and assessed by any taxing authority;**

**(7) "Taxing authority", any governmental, managing, administering, or other lawful authority, now or hereafter empowered by law to issue tax bills.**

**140.981. 1. Any home rule city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants may establish a land bank agency for the management, sale, transfer, and other disposition of interests in real estate owned by such land bank agency. Any such land bank agency shall be established to foster the public purpose of returning land, including land that is in a nonrevenue-generating, nontax-producing status, to use in private ownership. A city may establish a land bank agency by ordinance, resolution, or rule, as applicable.**

**2. A land bank agency shall not own any interest in real estate located wholly or partially outside the city that established the land bank.**

**3. The beneficiaries of the land bank agency shall be the taxing authorities that held or owned tax bills against the respective parcels of real estate acquired by such land bank agency pursuant to a sale conducted under section 140.190, 140.240, or 140.250, and their respective interests in each parcel of real estate shall be to the extent and in proportion to the priorities determined by the court on the basis that the principal amount of their respective tax bills bore to the total principal amount of all of the tax bills described in the judgment.**

**4. A land bank agency created under the land bank act shall be a public body corporate and**

politic and shall have permanent and perpetual duration until terminated and dissolved in accordance with the provisions of section 140.1012.

**140.982.** The governing body of the city establishing a land bank agency, or the chief administrative officer of the city establishing a land bank agency, shall have the power to organize and reorganize the executive, administrative, clerical, and other departments of the land bank agency and to fix the duties, powers, and compensation of all employees, agents, and consultants of the land bank agency. A land bank agency may employ a secretary, an executive director, its own counsel and legal staff, technical experts, and other agents and employees, permanent or temporary, as it may require and may determine the qualifications and fix the compensation and benefits of such persons. A land bank agency may also enter into contracts and agreements with political subdivisions for staffing services to be provided to the land bank agency by political subdivisions or agencies or departments thereof, or for a land bank agency to provide such staffing services to political subdivisions or agencies or departments thereof.

**140.983.** A land bank agency established under the land bank act shall have all powers necessary or appropriate to carry out and effectuate the purposes and provisions of the land bank act, including the following powers in addition to those herein otherwise granted:

- (1)** To adopt, amend, and repeal bylaws for the regulation of its affairs and the conduct of its business;
- (2)** To sue and be sued, in its own name, and plead and be impleaded in all civil actions including, but not limited to, actions to clear title to property of the land bank agency;
- (3)** To adopt a seal and to alter the same at pleasure;
- (4)** To borrow from private lenders, political subdivisions, the state, and the federal government as may be necessary for the operation and work of the land bank agency;
- (5)** To issue notes and other obligations according to the provisions of this chapter;
- (6)** To procure insurance or guarantees from political subdivisions, the state, the federal government, or any other public or private sources of the payment of any bond, note, loan, or other obligation, or portion thereof, incurred by the land bank agency and to pay any fees or premiums in connection therewith;
- (7)** To enter into contracts and other instruments necessary, incidental, or convenient to the performance of its duties and the exercise of its powers including, but not limited to, agreements with other land bank agencies and with political subdivisions for the joint exercise of powers under this chapter;
- (8)** To enter into contracts and other instruments necessary, incidental, or convenient to:
  - (a)** The performance of functions by the land bank agency on behalf of political subdivisions, or agencies or departments thereof; or
  - (b)** The performance by political subdivisions, or agencies or departments thereof, of functions on behalf of the land bank agency;
- (9)** To make and execute contracts and other instruments necessary or convenient to the exercise

of the powers of the land bank agency. Any contract or instrument if signed both by the executive director of the land bank agency and by the secretary, assistant secretary, treasurer, or assistant treasurer of the land bank agency, or by an authorized facsimile signature of any such positions, shall be held to have been properly executed for and on its behalf;

(10) To procure insurance against losses in connection with the property, assets, or activities of the land bank agency;

(11) To invest the moneys of the land bank agency, including amounts deposited in reserve or sinking funds, at the discretion of the land bank agency in instruments, obligations, securities, or property determined proper by the land bank agency and to name and use depositories for its moneys;

(12) To enter into contracts for the management of, the collection of rent from, or the sale of the property of the land bank agency;

(13) To design, develop, construct, demolish, reconstruct, rehabilitate, renovate, relocate, equip, furnish, and otherwise improve real property or rights or interests in real property held by the land bank agency;

(14) To fix, charge, and collect rents, fees, and charges for the use of the property of the land bank agency and for services provided by the land bank agency;

(15) To acquire property, whether by purchase, exchange, gift, lease, or otherwise, except not property not wholly located in the city that established the land bank agency; to grant or acquire licenses and easements; and to sell, lease, grant an option with respect to, or otherwise dispose of, any property of the land bank agency;

(16) To enter into partnerships, joint ventures, and other collaborative relationships with political subdivisions and other public and private entities for the ownership, management, development, and disposition of real property, except not for property not wholly located in the city that established the land bank agency; and

(17) Subject to the other provisions of this chapter and all other applicable laws, to do all other things necessary or convenient to achieve the objectives and purposes of the land bank agency or other laws that relate to the purposes and responsibility of the land bank agency.

**140.984. 1.** The income of a land bank agency shall be exempt from all taxation by the state and by any of its political subdivisions. Upon acquiring title to any real estate, a land bank agency shall immediately notify the county assessor and the county collector of such ownership, and such real estate shall be exempt from all taxation during the land bank agency's ownership thereof, in the same manner and to the same extent as any other publicly owned real estate. Upon the sale or other disposition of any real estate held by it, the land bank agency shall immediately notify the county assessor and the county collector of such change of ownership. However, that such tax exemption for improved and occupied real property held by the land bank agency as a lessor pursuant to a ground lease shall terminate upon the first occupancy, and the land bank agency shall immediately notify the county assessor and the county collector of such occupancy.

**2.** A land bank agency may acquire real property or interests in property by gift, devise, transfer, exchange, foreclosure, lease, purchase, or otherwise on terms and conditions and in a manner the land

bank agency considers proper.

3. A land bank agency may acquire property by purchase contracts, lease purchase agreements, installment sales contracts, and land contracts and may accept transfers from political subdivisions upon such terms and conditions as agreed to by the land bank agency and the political subdivision. A land bank agency may bid on any parcel of real estate offered for sale, offered at a foreclosure sale under sections 140.220 to 140.250, or offered at a sale conducted under section 140.190, 140.240, or 140.250. Notwithstanding any other law to the contrary, any political subdivision may transfer to the land bank agency real property and interests in real property of the political subdivision on such terms and conditions and according to such procedures as determined by the political subdivision.

4. A land bank agency shall maintain all of its real property in accordance with the laws and ordinances of the jurisdictions in which the real property is located.

5. Upon issuance of a deed of a delinquent land tax auction under subsection 4 of section 140.250, subsection 5 of section 140.405, or other sale conducted under section 140.190, 140.240, or 140.250 of a parcel of real estate to a land bank agency, the land bank agency shall pay the amount of the land bank agency's bid that exceeds the amount of all tax bills included in the judgment, interest, penalties, attorney's fees, taxes, and costs then due thereon. If the real estate is acquired in a delinquent land tax auction, such excess shall be applied and distributed in accordance with section 140.230. Upon issuance of a deed, the county collector shall mark the tax bills included in the judgment as "cancelled by sale to the land bank" and shall take credit for the full amount of such tax bills, including principal amount, interest, penalties, attorney's fees, and costs, on his or her books and in his or her statements with any other taxing authorities.

6. A land bank shall not own real property unless the property is wholly located within the boundaries of the city that established the land bank agency.

140.985. 1. A land bank agency shall hold in its own name all real property acquired by such land bank agency irrespective of the identity of the transferor of such property.

2. A land bank agency shall maintain and make available for public review and inspection an inventory and history of all real property the land bank agency holds or formerly held. This inventory and history shall be available on the land bank agency's website and include at a minimum:

- (1) Whether a parcel is available for sale;
- (2) The address of the parcel if an address has been assigned;
- (3) The parcel number if no address has been assigned;
- (4) The year that a parcel entered the land bank agency's inventory;
- (5) Whether a parcel has sold; and
- (6) If a parcel has sold, the name of the person or entity to which it was sold.

3. The land bank agency shall determine and set forth in policies and procedures the general terms and conditions for consideration to be received by the land bank agency for the transfer of real property and interests in real property. Consideration may take the form of monetary payments and secured financial obligations, covenants, and conditions related to the present and future use of the



property; contractual commitments of the transferee; and such other forms of consideration as the land bank agency determines to be in the best interest of its purpose.

4. A land bank agency may convey, exchange, sell, transfer, lease, grant, release and demise, pledge, and hypothecate any and all interests in, upon, or to property of the land bank agency. A land bank agency may gift any interest in, upon, or to property to the city that established the land bank agency.

5. A city may, in its resolution or ordinance creating a land bank agency, establish a hierarchical ranking of priorities for the use of real property conveyed by such land bank agency, subject to subsection 7 of this section, including, but not limited to:

- (1) Use for purely public spaces and places;
- (2) Use for affordable housing;
- (3) Use for retail, commercial, and industrial activities;
- (4) Use as wildlife conservation areas; and
- (5) Such other uses and in such hierarchical order as determined by such city.

If a city, in its resolution or ordinance creating a land bank agency, establishes priorities for the use of real property conveyed by the land bank agency, such priorities shall be consistent with and no more restrictive than municipal planning and zoning ordinances.

6. The land bank agency may delegate to officers and employees the authority to enter into and execute agreements, instruments of conveyance, and all other related documents pertaining to the conveyance of property by the land bank agency.

7. A land bank agency shall only accept written offers equal to or greater than the full amount of all tax bills, interest, penalties, attorney's fees, and costs on real property to purchase the real property held by the land bank agency.

8. When any parcel of real estate acquired by a land bank agency is sold or otherwise disposed of by such land bank agency, the proceeds therefrom shall be applied and distributed in the following order:

- (1) To the payment of the expenses of the sale;
- (2) To fulfill the requirements of the resolution, indenture, or other financing documents adopted or entered into in connection with bonds, notes, or other obligations of the land bank agency, to the extent that such requirements may apply with respect to such parcel of real estate;
- (3) To the balance to be retained by the land bank agency to pay the salaries and other expenses of such land bank agency and of its employees as provided for in its annual budget; and
- (4) Any funds in excess of those necessary to meet the expenses of the annual budget of the land bank agency in any fiscal year and a reasonable sum to carry over into the next fiscal year to assure that sufficient funds will be available to meet initial expenses for that next fiscal year, exclusive of net profit from the sale of ancillary parcels, shall be paid to the respective taxing authorities that, at the time of the distribution, are taxing the real property from which the proceeds are being distributed.

The distributions shall be in proportion to the amounts of the taxes levied on the properties by the taxing authorities. Distribution shall be made on January first and July first of each year, and at such other times as the land bank agency may determine.

9. When any ancillary parcel is sold or otherwise disposed of by such land bank agency, the proceeds therefrom shall be applied and distributed in the following order:

(1) To the payment of all land taxes and related charges then due on such parcel;

(2) To the payment of the expenses of sale;

(3) To fulfill the requirements of the resolution, indenture, or other financing documents adopted or entered into in connection with bonds, notes, or other obligations of the land bank agency, to the extent that such requirements may apply with respect to such parcel of real estate;

(4) To the balance to be retained by the land bank agency to pay the salaries and other expenses of such land bank agency and of its employees as provided for in its annual budget; and

(5) Any funds in excess of those necessary to meet the expenses of the annual budget of the land bank agency in any fiscal year and a reasonable sum to carry over into the next fiscal year to assure that sufficient funds will be available to meet initial expenses for that next fiscal year, shall be paid in accordance with subdivision (4) of subsection 8 of this section.

10. If a land bank agency owns more than five parcels of real property in a single city block and no written offer to purchase any of those properties has been submitted to the agency in the past twelve months, the land bank shall reduce its requested price for those properties and advertise the discount publicly.

140.986. 1. No later than two years from the date it acquired the property, a land bank agency shall either sell, put to a productive use, or show significant progress towards selling or putting to a productive use a parcel of real property. A productive use may be renting the property; demolishing all structures of the property; restoring property of historic value; or using the property for a community garden, park, or other open public space.

2. The governing body of the city may grant the land bank agency a one-year extension if the body believes unforeseen circumstances have delayed the sale or productive use of a parcel of property.

3. If a land bank agency owns a parcel of real property that does not have a productive use after two years, or does not receive an extension under subsection 2 of this section, the property shall be offered for public sale using the procedures under sections 140.170 to 140.190.

140.987. A land bank agency shall ensure that any contract for the sale of residential property owned by the land bank agency shall have a clause that the buyer shall own the property for three years following the buyer's purchase of the property from the land bank. The clause shall state that a violation of those terms makes the buyer civilly liable to the land bank agency for an amount equal to twice the sale price of the property.

140.988. 1. A land bank agency may receive funding through grants, gifts, and loans from political subdivisions, the state, the federal government, and other public and private sources.

2. Except as otherwise provided in subsections 8 and 9 of section 140.985, a land bank agency may

receive and retain payments for services rendered, for rents and leasehold payments received, for consideration for disposition of real and personal property, for proceeds of insurance coverage for losses incurred, for income from investments, and for any other asset and activity lawfully permitted to a land bank agency under the land bank act.

3. If a land bank agency sells or otherwise disposes of a parcel of real estate held by it, any land taxes assessed against such parcel for the three tax years following such sale or disposition by such land bank agency that are collected by the county collector in a calendar year and not refunded, less the fees provided under section 52.260 and subsection 4 of this section and less the amounts to be deducted under section 137.720, shall be distributed by the county collector to such land bank agency no later than March first of the following calendar year, provided that land taxes impounded under section 139.031 or otherwise paid under protest shall not be subject to distribution under this subsection. Any amount required to be distributed to a land bank agency under this subsection shall be subject to offset for amounts previously distributed to such land bank agency that were assessed, collected, or distributed in error.

4. In addition to any other provisions of law related to collection fees, the county collector shall collect on behalf of the county a fee of four percent of reserve period taxes collected and such fees collected shall be deposited in the county general fund.

140.991. 1. There shall be an annual audit of the affairs, accounts, expenses, and financial transactions of a land bank agency by a certified public accountant before April thirtieth of each year, which accountant shall be employed by the land bank agency on or before March first of each year. Certified copies of the audit shall be furnished to the city that established the land bank agency, and the city shall post the audit on its public website. Copies of the audit shall also be available for public inspection at the office of the land bank agency.

2. The land bank agency may be performance audited at any time by the state auditor or by the auditor of the city that established the land bank agency. The cost of such audit shall be paid by the land bank agency, and copies shall be made available to the public and posted on the land bank agency's website within thirty days of the completion of the audit.

140.997. Except as otherwise provided under state law, the land bank agency meetings shall cause minutes and a record to be kept of all its proceedings. The land bank agency shall be subject to the provisions of chapter 109, chapter 610, and any other applicable provisions of law governing public records and public meetings.

140.1000. 1. No employee of a land bank agency shall receive any compensation, emolument, or other profit directly or indirectly from the rental, management, acquisition, sale, demolition, repair, rehabilitation, use, operation, ownership, or disposition of any lands held by such land bank agency other than the salaries, expenses, and emoluments provided for in the land bank act.

2. No employee of a land bank agency shall own, directly or indirectly, any legal or equitable interest in or to any lands held by such land bank agency other than the salaries, expenses, and emoluments provided for in sections 140.980 to 140.1015.

3. A violation of this section is a felony. Any person found guilty of violating this section shall be sentenced to a term of imprisonment of no less than two years nor more than five years.

**4. The land bank agency may adopt supplemental rules and regulations addressing potential conflicts of interest and ethical guidelines for land bank agency employees, provided that such rules and regulations are not inconsistent with this chapter or any other applicable law.**

**140.1003. Except as otherwise expressly set forth in sections 140.980 to 140.1015, in the exercise of its powers and duties under the land bank act and its powers relating to property held by the land bank agency, the land bank agency shall have complete control of the property as fully and completely as if it were a private property owner.**

**140.1006. 1. If any ancillary parcel is acquired by a land bank agency and is encumbered by a lien or claim for real property taxes owed to a taxing authority, such taxing authority may elect to contribute to the land bank agency all or any portion of such taxes that are distributed to and received by such taxing authority.**

**2. To the extent that a land bank agency receives payments or credits of any kind attributable to liens or claims for real property taxes owed to a taxing authority, the land bank agency shall remit the full amount of the payments to the county collector for distribution to the appropriate taxing authority.**

**140.1009. 1. A land bank agency shall be authorized to file an action to quiet title under section 527.150 as to any real property in which the land bank agency has an interest. For purposes of any and all such actions, the land bank agency shall be deemed to be the holder of sufficient legal and equitable interests, and possessory rights, so as to qualify the land bank agency as an adequate petitioner in such action.**

**2. Prior to the filing of an action to quiet title, the land bank agency shall conduct an examination of title to determine the identity of any and all persons and entities possessing a claim or interest in or to the real property. Service of the petition to quiet title shall be provided to all such interested parties by the following methods:**

**(1) Registered or certified mail to such identity and address as reasonably ascertainable by an inspection of public records;**

**(2) In the case of occupied real property, by first class mail addressed to “Occupant”;**

**(3) By posting a copy of the notice on the real property;**

**(4) By publication in a newspaper of general circulation in the city in which the property is located; and**

**(5) Such other methods as the court may order.**

**3. As part of the petition to quiet title, the land bank agency shall file an affidavit identifying all parties potentially having an interest in the real property and the form of notice provided.**

**4. The court shall schedule a hearing on the petition within ninety days following filing of the petition, and, as to all matters upon which an answer was not filed by an interested party, the court shall issue its final judgment within one hundred twenty days of the filing of the petition.**

**5. A land bank agency shall be authorized to join in a single petition to quiet title one or more parcels of real property.**

**140.1012. 1. A land bank agency may be dissolved as a public body corporate and politic no sooner than sixty calendar days after an ordinance or resolution for such dissolution is passed by the city that established the land bank agency.**

**2. No less than sixty calendar days' advance written notice of consideration of such an ordinance or resolution of dissolution shall be given to the land bank agency, shall be published in a local newspaper of general circulation within such city, and shall be sent certified mail to each trustee of any outstanding bonds of the land bank agency.**

**3. No land bank agency shall be dissolved while there remains any outstanding bonds, notes, or other obligations of the land bank agency unless such bonds, notes, or other obligations are paid or defeased pursuant to the resolution, indenture, or other financing document under which such bonds, notes, or other obligations were issued prior to or simultaneously with such dissolution.**

**4. Upon dissolution of a land bank agency pursuant to this section, all real property, personal property, and other assets of the land bank agency shall be transferred by appropriate written instrument to and shall become the assets of the city that established the land bank agency. Such city shall act expeditiously to return such real property to the tax rolls and shall market and sell such real property using an open, public method that ensures the best possible prices are realized while ensuring such real property is returned to a suitable, productive use for the betterment of the neighborhood in which such real property is located. Any such real property that was acquired by the dissolved land bank agency pursuant to a sale conducted under section 140.190, 140.240, or 140.250 shall be held by the city in trust for the tax bill owners and taxing authorities having an interest in any tax liens which were foreclosed, as their interests may appear in the judgment of foreclosure, and, upon the sale or other disposition of any such property by such city, the proceeds therefrom shall be applied and distributed in the following order:**

**(1) To the payment of the expenses of sale;**

**(2) To the reasonable costs incurred by such city in maintaining and marketing such property; and**

**(3) The balance shall be paid to the respective taxing authorities that, at the time of the distribution, are taxing the real property from which the proceeds are being distributed.**

**140.1015. A land bank agency shall neither possess nor exercise the power of eminent domain. A land bank agency shall not have the power to tax.**

**347.048. 1. (1) Any limited liability company that owns and rents or leases real property, or owns unoccupied real property, located within:**

**(a) Any home rule city with a population of more than four hundred thousand inhabitants which is located in more than one county; [or]**

**(b) Any home rule city with more than one hundred sixteen thousand but fewer than one hundred fifty-five thousand inhabitants; or**

**(c) Any home rule city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants**

**shall file with that city's clerk an affidavit listing the name and street address of at least one natural person who has management control and responsibility for the real property owned and leased or rented by the limited liability company, or owned by the limited liability company and unoccupied.**

(2) Within thirty days following the cessation of management control and responsibility of any natural person named in an affidavit described in this section, the limited liability company shall file a successor affidavit listing the name and street address of a natural person successor.

2. No limited liability company shall be charged a fee for filing an affidavit or successor affidavit required under this section.

3. If a limited liability company required by this section to file an affidavit or a successor affidavit fails or refuses to file such completed affidavit with the appropriate clerk, any person who is adversely affected by the failure or refusal or the home rule city may petition the circuit court in the county where the property is located to direct the execution and filing of such document.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

### **RESOLUTIONS**

Senator Schupp offered Senate Resolution No. 732, regarding Albert “Al” Zvibleman, St. Louis, which was adopted.

Senator Schupp offered Senate Resolution No. 733, regarding Class 3 State Wrestling Champion Jake Mann, which was adopted.

### **INTRODUCTIONS OF GUESTS**

On behalf of Senator Crawford and himself, Senator Hoskins introduced to the Senate, Isaiah Dunn, Warrensburg; and Ernest Brauch, Wheatland.

Senator Crawford introduced to the Senate, Sherry Bennett, Buffalo; and Deanna Moore, Bolivar.

Senator Eigel introduced to the Senate, thirty-eight seventh-grade students from Zion Lutheran School, Weldon Spring.

Senator Williams introduced to the Senate, Edward Drew, St. Louis.

Senator Burlison introduced to the Senate, the Physician of the Day, Dr. Louis DelCampo, Springfield.

On motion of Senator Rowden, the Senate adjourned until 4:00 p.m., Monday, April, 29, 2019.

### **SENATE CALENDAR**

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FIFTY-EIGHTH DAY—MONDAY, APRIL 29, 2019

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### **FORMAL CALENDAR**

### **HOUSE BILLS ON SECOND READING**

HB 637-Shawan  
HCB 1-Roden  
HCB 5-Ruth

HCB 10-Shaul  
HCB 7-Roeber  
HCS for HB 919

HCS for HB 1099  
 HB 1237-Fitzwater  
 HCS for HB 326

HB 337-Swan  
 HB 685-Kelly (141)  
 HCS for HB 1083

### THIRD READING OF SENATE BILLS

SCS for SB 465-Burlison (In Fiscal Oversight)  
 SS for SCS for SBs 70 & 128-Hough  
 (In Fiscal Oversight)

SS#3 for SCS for SB 29-Hegeman  
 (In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

1. SB 430-Libla
2. SB 186-Hegeman
3. SB 302-Wallingford
4. SB 347-Burlison
5. SB 439-Brown
6. SB 303-Riddle, with SCS
7. SB 376-Riddle
8. SB 82-Cunningham, with SCS
9. SB 161-Cunningham
10. SB 144-Burlison, with SCS
11. SJR 20-Koenig, with SCS
12. SB 208-Wallingford
13. SB 189-Crawford, with SCS

14. SB 385-Bernskoetter
15. SB 409-Wieland, et al
16. SB 437-Hoskins
17. SB 286-Hough
18. SB 325-Crawford, with SCS
19. SBs 8 & 74-Emery, with SCS
20. SB 386-O'Laughlin, with SCS
21. SB 272-Emery, with SCS
22. SB 265-Luetkemeyer, with SCS
23. SB 135-Sifton, with SCS
24. SB 342-Curls and Nasheed
25. SB 424-Luetkemeyer

### HOUSE BILLS ON THIRD READING

1. HCS for HB 225, with SCS (Romine)
2. HCS for HB 255 (Cierpiot)
3. HCS for HB 469 (Wallingford)
4. HCS for HB 677 (Cierpiot)
5. HB 260-Taylor, with SCS (Bernskoetter)
6. HCS for HB 547, with SCS (Bernskoetter)
7. HCS for HB 169, with SCS (Romine)
8. HB 219-Wood (Sater)
9. HB 831-Sharpe (Brown)
10. HCS for HB 694 (Riddle)
11. HCS#2 for HB 499 (Schatz)

12. HCS for HB 192, with SCS (Emery)
13. HB 485-Dogan, with SCS (Emery)  
 (In Fiscal Oversight)
14. HCS for HB 564, with SCS (Koenig)
15. HCS for HB 678, with SCS (Williams)
16. HCS for HB 399, with SCS (Hoskins)
17. HB 126-Schroer, with SCS (Koenig)
18. HB 138-Kidd (Wallingford)
19. HB 332-Lynch, with SCS (Wallingford)
20. HCS for HBs 243 & 544, with SCS (Arthur)
21. HCS for HB 220, with SCS (O'Laughlin)

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|---|--|
| 22. HB 821-Solon (Luetkemeyer)                              | 32. HB 599-Bondon, with SCS (Cunningham) |
| 23. HB 565-Morse, with SCS (Wallingford)                    | 33. HB 1029-Bondon                       |
| 24. HCS for HB 447, with SCS (Riddle)                       | 34. HB 257-Stephens (Sater)              |
| 25. HB 113-Smith, with SCS (Emery)<br>(In Fiscal Oversight) | 35. HB 563-Wiemann (Wallingford)         |
| 26. HCS for HB 604, with SCS (Hoskins)                      | 36. HCS for HB 266, with SCS (Hoskins)   |
| 27. HB 214-Trent (Hough)                                    | 37. HCS for HB 959, with SCS (Cierpiot)  |
| 28. HCS for HB 1088 (Hoskins)                               | 38. HCS for HB 333, with SCS (Crawford)  |
| 29. HB 355-Plocher, with SCS (Wallingford)                  | 39. HB 461-Pfautsch (Brown)              |
| 30. HCS for HB 160, with SCS (White)                        | 40. HCS for HB 824 (Hoskins)             |
| 31. HB 584-Knight, with SCS (Wallingford)                   | 41. HB 587-Rone (Crawford)               |
|   | 42. HCS for HB 346 (Wallingford)         |

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

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| SB 3-Curls   | SB 97-Hegeman, with SCS                                |
| SB 4-Sater   | SB 100-Riddle, with SS (pending)                       |
| SB 5-Sater, et al, with SCS  | SB 118-Cierpiot, with SCS                              |
| SB 10-Cunningham, with SCS & SA 1 (pending)                            | SB 132-Emery, with SCS                                 |
| SB 14-Wallingford  | SB 141-Koenig  |
| SB 16-Romine, with SCS, SS for SCS, SA 3<br>& point of order (pending) | SB 150-Koenig, with SCS                                |
| SB 19-Libla, with SA 1 (pending)                                       | SBs 153 & 117-Sifton, with SCS                         |
| SB 31-Wieland  | SB 154-Luetkemeyer, with SS & SA 2 (pending)           |
| SB 39-Onder  | SB 155-Luetkemeyer                                     |
| SB 44-Hoskins, with SCS & SS#3 for SCS<br>(pending)                    | SB 160-Koenig, with SCS, SS for SCS & SA2<br>(pending) |
| SBs 46 & 50-Koenig, with SCS, SS for SCS<br>& SA 6 (pending)           | SB 168-Wallingford, with SCS                           |
| SB 49-Rowden, with SCS   | SB 201-Romine  |
| SB 52-Eigel, with SCS  | SB 205-Arthur, with SCS                                |
| SB 56-Cierpiot, with SCS, SS for SCS &<br>SA 1 (pending)               | SB 211-Wallingford                                     |
| SB 57-Cierpiot   | SB 222-Hough   |
| SB 62-Burlison, with SCS   | SB 224-Luetkemeyer, with SS#2 (pending)                |
| SB 65-White, with SS (pending)   | SB 225-Curls   |
| SB 69-Hough  | SB 234-White   |
| SB 76-Sater, with SCS (pending)  | SB 252-Wieland, with SCS                               |
| SB 78-Sater  | SB 259-Romine, with SS & SA 3 (pending)                |
|  | SB 276-Rowden, with SCS                                |
|  | SB 278-Wallingford, with SCS                           |
|  | SBs 279, 139 & 345-Onder and Emery, with SCS           |



SB 292-Eigel, with SCS & SS#2 for SCS  
(pending)

SB 293-Hough, with SCS

SB 296-Cierpiot, with SCS

SB 298-White, with SCS

SB 300-Eigel

SB 312-Eigel

SB 316-Burlison

SB 318-Burlison

SB 328-Burlison, with SCS

SB 332-Brown

SB 336-Schupp

SB 343-Eigel, with SCS

SB 344-Eigel, with SCS

SB 349-O'Laughlin, with SCS

SB 350-O'Laughlin

SB 354-Cierpiot, with SCS

SB 391-Bernskoetter, with SS & SA 2 (pending)

SB 412-Holsman

SB 426-Williams

SB 431-Schatz, with SCS

SJR 1-Sater and Onder, with SS#2 & SA 1  
(pending)

SJR 13-Holsman, with SCS, SS for SCS &  
SA 1 (pending)

SJR 18-Cunningham

#### HOUSE BILLS ON THIRD READING

HB 188-Rehder (Luetkemeyer)

SS for SCS for HCS for HB 397 (Riddle)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SB 182-Cierpiot, et al, with HCS, as amended

#### RESOLUTIONS

SR 20-Holsman

#### Reported from Committee

SCR 8-Holsman

SCR 13-Emery

SCR 15-Burlison

SCR 19-Eigel

SCR 21-May

SCR 22-Holsman

SCR 23-Luetkemeyer

HCS for HCR 16 (Hoskins)

HCR 18-Spencer (Eigel)

#### To be Referred

SR 731-Hoskins

# Journal of the Senate

## FIRST REGULAR SESSION

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**FIFTY-EIGHTH DAY—MONDAY, APRIL 29, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“...examining it all, how the righteous and the wise and their deeds are in the hand of God;” (Ecclesiastes (9:1a)

Merciful God it has been yet again a violent weekend and we are saddened by the deaths and wounding of Your people. We return to do our work, thankful to be here but wonder what we might be able to do to decrease such hatred and violence we hear and see about us. We pray in St. Francis of Assisi’s words “to become instruments of peace... and where there is hatred to show love...” Help us Lord to do what we can to understand the root cause of it and then do what we can to eliminate what we can. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 25, 2019 was read and approved.

The following Senators were present during the day’s proceedings:

**Present—Senators**

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

**Absent—Senators—None**

**Absent with leave—Senators—None**

**Vacancies—None**

The Lieutenant Governor was present.

## RESOLUTIONS

Senator White offered Senate Resolution No. 734, regarding the One Hundredth Birthday of Edith Pugh, Joplin, which was adopted.

Senator Romine offered Senate Resolution No. 735, regarding John D. Otto, Ste. Genevieve, which was

adopted.

Senator Romine offered Senate Resolution No. 736, regarding Melissa E. Otto, Ste. Genevieve, which was adopted.

Senator Romine offered Senate Resolution No. 737, regarding Gale Mahn, Hillsboro, which was adopted.

Senator Romine offered Senate Resolution No. 738, regarding Deborah Stackpole, Ellisville, which was adopted.

Senator Romine offered Senate Resolution No. 739, regarding Mark D. Vogt, St. Mary, which was adopted.

Senator Romine offered Senate Resolution No. 740, regarding Steve Zuspann, St. Mary, which was adopted.

Senator Romine offered Senate Resolution No. 741, regarding Ingrid McCaskie, Ste. Genevieve, which was adopted.

Senator Romine offered Senate Resolution No. 742, regarding Rebecca Cerutti, Farmington, which was adopted.

Senator Hegeman offered Senate Resolution No. 743, regarding Eagle Scout Christopher Nickolas Larson, Smithville, which was adopted.

Senator Sifton offered Senate Resolution No. 744, regarding Lucas Alberts, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 745, regarding Lauren Fisher, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 746, regarding Erin Belosi, Imperial, which was adopted.

Senator Sifton offered Senate Resolution No. 747, regarding Christen Otto, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 748, regarding Anna Roach, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 749, regarding Dr. Jamie Suthers, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 750, regarding Mark Garascia, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 751, regarding Madalyn Bush, Ballwin, which was adopted.

Senator Schupp offered Senate Resolution No. 752, regarding 2018-2019 Class 1 State Champion Ladue Horton Watkins High School Girls Swim/Dive Team, which was adopted.

Senator Schupp offered Senate Resolution No. 753, regarding 2018-2019 Class 4 State Champion Ladue Horton Watkins High School Varsity Football Team, which was adopted.

Senator Riddle offered Senate Resolution No. 754, regarding Charles A. “Tony” McGeorge, Mexico, which was adopted.

Senator Hough offered Senate Resolution No. 755, regarding KWFC Radio, Springfield, which was adopted.

Senator Walsh offered Senate Resolution No. 756, regarding Adam Childers-Arnold, Indianapolis, Indiana, which was adopted.

Senator Walsh offered Senate Resolution No. 757, regarding Nicholas Baer, Fenton, which was adopted.

Senator Rizzo offered Senate Resolution No. 758, regarding Phylliss Bagley, Independence, which was adopted.

Senator Sifton offered Senate Resolution No. 759, regarding Kristy Baumgartner, Fenton, which was adopted.

Senator Wieland offered Senate Resolution No. 760, regarding Lonni Schicker, Fenton, which was adopted.

Senator Sifton offered Senate Resolution No. 761, regarding David Neu, St. Louis, which was adopted.

Senator Wallingford offered Senate Resolution No. 762, regarding Hannah Lucas, Cape Girardeau, which was adopted.

Senator Onder offered Senate Resolution No. 763, regarding Maddi McGuire, St. Peters, which was adopted.

Senator Schupp offered Senate Resolution No. 764, regarding the death of former Lieutenant Governor Kenneth Joel Rothman, which was adopted.

Senator Onder offered Senate Resolution No. 765, regarding Brenda Haynes, O’Fallon, which was adopted.

Senator Onder offered Senate Resolution No. 766, regarding Dennis Linnenbringer, Wentzville, which was adopted.

Senator Onder offered Senate Resolution No. 767, regarding Diane Ransom, Wentzville, which was adopted.

Senator Onder offered Senate Resolution No. 768, regarding Donald Hendrich, New Melle, which was adopted.

Senator Onder offered Senate Resolution No. 769, regarding Helen Schulze, Wentzville, which was adopted.

Senator Onder offered Senate Resolution No. 770, regarding Hope Hayden, Lake St. Louis, which was adopted.

Senator Onder offered Senate Resolution No. 771, regarding Larry Jacobs, O’Fallon, which was adopted.

Senator Onder offered Senate Resolution No. 772, regarding Nancy Hollenstein, Defiance, which was adopted.

The Senate observed a moment of silence in memory of former Lieutenant Governor Kenneth J. Rothman.

President Pro Tem Schatz assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Libla, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following report:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 367**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Cierpiot, Chairman of the Committee on Economic Development, submitted the following report:

Mr. President: Your Committee on Economic Development, to which was referred **HB 1061**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **SS No. 3** for **SCS** for **SB 29**; **HB 113**, with **SCS**; and **SS** for **SCS** for **SBs 70** and **128**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following report:

Mr. President: Your Committee on Professional Registration, to which was referred **HB 470**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Luetkemeyer, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 22**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 514**; **SB 255**; **SS** for **SCS** for **SB 37**; and **SCS** for **SB 1**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

President Kehoe assumed the Chair.

### **THIRD READING OF SENATE BILLS**

**SS** for **SCS** for **SBs 70** and **128**, introduced by Senator Hough, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 70 and 128

An Act to repeal sections 192.007, 192.667, 198.082, 208.909, 208.918, 208.924, 344.030, and 376.690, RSMo, and to enact in lieu thereof fourteen new sections relating to the administration of health care services, with existing penalty provisions, with an emergency clause for a certain section.

Was taken up.

On motion of Senator Hough, **SS** for **SCS** for **SBs 70 and 128** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senator Nasheed—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senator Nasheed—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Hough, title to the bill was agreed to.

Senator Hough moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SS No. 3 for SCS for SB 29**, introduced by Senator Hegeman, entitled:

SENATE SUBSTITUTE NO. 3 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 29

An Act to repeal sections 190.839, 198.439, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof six new sections relating to reimbursement allowance taxes.

Was taken up.

On motion of Senator Hegeman, **SS No. 3 for SCS for SB 29** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senator Eigel—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**HOUSE BILLS ON THIRD READING**

Senator Riddle moved that **SS for SCS for HCS for HB 397** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS for SCS for HCS for HB 397** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### REFERRALS

President Pro Tem Schatz referred **SB 255**; **SB 514**; **HCS** for **HB 1088**; **HB 1029**; **HB 563**; **HB 461**; **HCS** for **HB 824**; **HB 587**; **HCS** for **HB 346**; **SS** for **SCS** for **SB 37**; **HCS** for **HB 604**, with **SCS**; **HB 584**, with **SCS**; **HCS** for **HB 333**, with **SCS**; **HCS** for **HB 160**; and **HB 599**, with **SCS** to the Committee on Fiscal Oversight.

On motion of Senator Rowden, the Senate recessed until 6:45 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2**, and requests the Senate to recede from its position and failing to



do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 3**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 4**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 5**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 6**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 7**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 8**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 9**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 10**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 11**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 12**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 13**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR**s **48, 46 & 47**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2, 3, and 7 of article III of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to regulating the legislature to limit the influence of partisan or other special interests.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 600**, entitled:

An Act to repeal section 208.225, RSMo, and to enact in lieu thereof one new section relating to Medicaid per diem reimbursement rates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1135**, entitled:

An Act to repeal section 193.265, RSMo, and to enact in lieu thereof one new section relating to vital records.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1137**, entitled:

An Act to repeal section 285.500, RSMo, and to enact in lieu thereof two new sections relating to misclassification of workers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 713**, entitled:

An Act to repeal section 301.451, RSMo, and to enact in lieu thereof one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 842**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to historic buildings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1162**, entitled:

An Act to repeal section 620.2451, RSMo, and to enact in lieu thereof one new section relating to rural broadband access funding.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 681**, entitled:

An Act to repeal section 260.273, RSMo, and to enact in lieu thereof one new section relating to the fee imposed on new tire sales.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **PRIVILEGED MOTIONS**

Senator Hegeman requested unanimous consent of the Senate to make one motion to send **SCS for HCS for HB 2; SCS for HCS for HB 3; SCS for HCS for HB 4; SCS for HCS for HB 5; SCS for HCS for HB 6; SS for SCS for HCS for HB 7; SCS for HCS for HB 8; SCS for HCS for HB 9; SS for SCS for HCS for HB 10; SCS for HCS for HB 11; SCS for HCS for HB 12; and SCS for HCS for HB 13** to conference in one motion, which request was granted.

Senator Hegeman moved that the Senate refuse to recede from its position on **SCS for HCS for HB 2;**

**SCS for HCS for HB 3; SCS for HCS for HB 4; SCS for HCS for HB 5; SCS for HCS for HB 6; SS for SCS for HCS for HB 7; SCS for HCS for HB 8; SCS for HCS for HB 9; SS for SCS for HCS for HB 10; SCS for HCS for HB 11; SCS for HCS for HB 12; and SCS for HCS for HB 13** and grant the House a conference thereon, which motion prevailed.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 2**: Senators Hegeman, Hough, Cunningham, Curls and Nasheed.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 3**: Senators Hegeman, Hough, Cunningham, Holsman and Nasheed.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 4**: Senators Hegeman, Hough, Riddle, Curls and Rizzo.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 5**: Senators Hegeman, Hough, Cunningham, Curls and Rizzo.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 6**: Senators Hegeman, Hough, Hoskins, Curls and Rizzo.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS for SCS for HCS for HB 7**: Senators Hegeman, Hough, Sater, Curls and Rizzo.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 8**: Senators Hegeman, Hough, Cunningham, Holsman and Curls.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 9**: Senators Hegeman, Hough, Hoskins, Curls and Rizzo.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS for SCS for HCS for HB 10**: Senators Hegeman, Hough, Sater, Curls and Rizzo.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 11**: Senators Hegeman, Hough, Sater, Curls and Nasheed.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 12**: Senators Hegeman, Hough, Sater, Rizzo and Nasheed.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 13**: Senators Hegeman, Hough, Sater, Rizzo and Curls.

### **PRIVILEGED MOTIONS**

Senator Cierpiot moved that the Senate refuse to concur in **SB 182**, with **HCS**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HB 637**—Progress and Development.

**HCB 1**—General Laws.

**HCB 5**—Transportation, Infrastructure and Public Safety.

**HCB 10**—Local Government and Elections.

**HCB 7**—Education.

**HCS for HB 919**—Agriculture, Food Production and Outdoor Resources.

**HCS for HB 1099**—Education.

**HB 1237**—General Laws.

**HCS for HB 326**—Professional Registration.

**HB 337**—Seniors, Families and Children.

**HB 685**—Agriculture, Food Production and Outdoor Resources.

**HCS for HB 1083**—Insurance and Banking.

#### **SENATE BILLS FOR PERFECTION**

Senator Bernskoetter moved that **SB 391**, with **SS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 2** was again taken up.

At the request of Senator Holsman, the above amendment was withdrawn.

Senator Holsman offered **SA 3**:

#### **SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Bill No. 391, Page 1, In the Title, Lines 3-4 of the title, by striking “county health ordinances” and inserting in lieu thereof the following: “agriculture”; and

Further amend said bill and page, Section A, Line 3 of said page, by inserting after all of said line the following:

**“21.900. 1. There is established a joint committee of the general assembly to be known as the “Joint Committee on Agriculture” to be comprised of five members of the senate, five members of the house of representatives, the director of the department of agriculture, and the director of the department of natural resources. The senate members shall be appointed by the president pro tempore and minority floor leader of the senate and the house members shall be appointed by the speaker and minority floor leader of the house of representatives. No party shall be represented by more than three members from the senate nor more than three members from the house. A majority of the members of the committee shall constitute a quorum.**

**2. The joint committee on agriculture shall meet within thirty days after its creation and organize by selecting two co-chairs, one of whom shall be a member of the senate and the other a member of the house of representatives.**

**3. The committee shall meet at the call of either co-chair or upon request of any member and shall hear public testimony on the items set forth in subsection 6 of this section.**

**4. The committee shall be staffed by legislative personnel as is deemed necessary to assist the committee in the performance of its duties.**

**5. The members of the committee shall serve without compensation, but any actual and necessary expenses incurred in the performance of the committee's official duties by the joint committee, its members, and any staff assigned to the committee shall be paid from the joint contingent fund, except for members of the committee who are not members of the general assembly.**

**6. The committee shall conduct research on the following:**

**(1) The economic impact of Missouri's agricultural industry in the state, including its contribution to state and local tax revenues;**

**(2) The industry's ongoing efforts to improve environmental stewardship while improving the economic sustainability of Missouri agriculture;**

**(3) The creation of incentives to encourage members of the agricultural industry to adopt best practices to facilitate the reduction of Missouri's carbon footprint; and**

**(4) Missouri residents' views on agricultural issues via public testimony.**

**7. The committee shall compile a full report of its activities for submission to the general assembly. The first report shall be submitted not later than January 15, 2021, and not later than the fifteenth of January of each year in which the general assembly convenes in regular session and shall include any recommendations which the joint committee may have for legislative action as well as any recommendations for administrative or procedural changes in the internal management or organization of state government agencies and departments. Copies of the report containing such recommendations shall be sent to the appropriate directors of state departments and agencies included in the report.**

**8. The department of agriculture and the department of natural resources shall cooperate with and assist the committee in the performance of its duties and shall make available all records and information requested.**

**9. The committee shall dissolve on January 15, 2024.”; and**

Further amend the title and enacting clause accordingly.

Senator Holsman moved that the above amendment be adopted.

Senator Emery offered SSA 1 for SA 3, entitled:

**SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Bill No. 391, Page 1, In the Title, Lines 3-4 of the title, by striking “county health ordinances” and inserting in lieu thereof the following: “agriculture”; and

Further amend said bill and page, Section A, Line 3 of said page, by inserting after all of said line the following:

**“21.900. 1. There is established a joint committee of the general assembly to be known as the “Joint Committee on Agriculture” to be comprised of five members of the senate, five members of the house of representatives, the director of the department of agriculture or his or her designee, and**

the director of the department of natural resources or his or her designee. The senate members shall be appointed by the president pro tempore and minority floor leader of the senate and the house members shall be appointed by the speaker and minority floor leader of the house of representatives. No party shall be represented by more than three members from the senate nor more than three members from the house. A majority of the members of the committee shall constitute a quorum.

2. The joint committee on agriculture shall meet within thirty days after its creation and organize by selecting two co-chairs, one of whom shall be a member of the senate and the other a member of the house of representatives.

3. The committee shall meet at the call of either co-chair or upon request of any member and shall hear public testimony on the items set forth in subsection 6 of this section.

4. The committee shall be staffed by legislative personnel as is deemed necessary to assist the committee in the performance of its duties.

5. The members of the committee shall serve without compensation, but any actual and necessary expenses incurred in the performance of the committee's official duties by the joint committee, its members, and any staff assigned to the committee shall be paid from the joint contingent fund, except for members of the committee who are not members of the general assembly.

6. The committee shall conduct research on the following:

(1) The economic impact of Missouri's agricultural industry in the state, including its contribution to state and local tax revenues;

(2) The industry's ongoing efforts to improve environmental stewardship while improving the economic sustainability of Missouri agriculture;

(3) The creation of incentives to encourage members of the agricultural industry to adopt best practices to scientifically address Missouri's carbon footprint; and

(4) Missouri residents' views on agricultural issues via public testimony.

7. The committee shall compile a full report of its activities for submission to the general assembly. The first report shall be submitted not later than January 15, 2021, and not later than the fifteenth of January of each year in which the general assembly convenes in regular session and shall include any recommendations which the joint committee may have for legislative action as well as any recommendations for administrative or procedural changes in the internal management or organization of state government agencies and departments. Copies of the report containing such recommendations shall be sent to the appropriate directors of state departments and agencies included in the report.

8. The department of agriculture and the department of natural resources shall cooperate with and assist the committee in the performance of its duties and shall make available all public records and information requested.

9. The committee shall dissolve on January 15, 2024.”; and

Further amend the title and enacting clause accordingly.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

Senator Emery moved that the above substitute amendment be adopted, which motion prevailed.

Senator May offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 391, Page 2, Section 192.300, Line 27, by inserting after all of said line the following:

**Section 1. In addition to the information that the owner or operator of any class IA, class IB, or class IC concentrated animal feeding operation shall provide to the department of natural resources, to the county governing body and to all adjoining property owners of property located within one and one-half times the buffer distance as specified in subsection 2 of section 640.710 for the size of the proposed facility, such owner or operator shall provide the following:**

**(1) If the owner or operator is incorporated, whether the applicant owner or operator, any parent corporation of the applicant owner or operator, subsidiary corporation of the applicant owner or operator, or any corporation with two or more common directors as the applicant owner or operator that has operated a class IA, class IB, or class IC concentrated animal feeding operation within the state of Missouri or any other state that has, within five years prior to the application, possessed an infected animal or infected bird subject to quarantine as such terms are defined in section 267.565; and**

**(2) If the owner or operator is not incorporated, whether the applicant owner or operator has operated a class IA, class IB, or class IC concentrated animal feeding operation within the state of Missouri or any other state that has, within five years prior to the application, possessed an infected animal or infected bird subject to quarantine as such terms are defined in section 267.565.”; and**

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted, which motion failed.

Senator Nasheed offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 391, Page 1, In the Title, Lines 2-3, by striking “county health ordinances” and inserting in lieu thereof the following: “agricultural operations”; and

Further amend said bill, page 2, section 192.300, line 27, by inserting immediately after said line the following:

“640.745. 1. The owner or operator of each class IA concentrated animal feeding operation utilizing flush systems shall remit to the department of natural resources a fee of ten cents per animal unit permitted to be deposited in the fund. The fee is due and payable to the department on the first anniversary of issuance of each owner or operator permit to operate such a facility and for nine years thereafter on the same date. The department of natural resources shall provide forms which such owner or operator shall use to file and pay this fee.

2. The fund shall be administered by the department for the purpose of carrying out the provisions of sections 640.700 to 640.755, relating to closure of class IA, class IB, class IC and class II concentrated animal feeding operation wastewater lagoons.

3. The fund administrators may only expend moneys for animal waste lagoon closure activities on real



property which:

(1) Has been placed in the control of the state, a county, or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default or settlement, including conveyance by deed in lieu of foreclosure, and pose a threat to human health, the environment, or a threat to groundwater; and

(2) The state, county, or municipal government, or an agency thereof, has made reasonable and prudent efforts to remediate the property or sell said property to a qualifying purchaser.

4. The fund administrators shall expend no more than one hundred thousand dollars per lagoon for animal waste lagoon closure activities. The fund administrators shall only expend those moneys necessary to achieve a minimum level of closure and still protect human health and the environment. Closure activities shall include lagoon dewatering and removal of animal waste sludge, if any, both of which shall be land applied at a nutrient management application rate based on the most limiting nutrient as determined by Missouri clean water commission regulation. After dewatering, lagoons which are located in a drainage basin and are capable of meeting all applicable pond requirements of the Natural Resources Conservation Service (NRCS) with minimal additional expense should be maintained as a pond. Otherwise, the lagoon berms should be breached and graded in such a manner to reasonably conform to the surrounding land contours.”; and

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted, which motion prevailed.

Senator Hough assumed the Chair.

Senator Nasheed offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Bill No. 391, Page 1, In the Title, Lines 3-4 of the title, by striking “county health ordinances” and inserting in lieu thereof the following: “agricultural operations”; and

Further amend said bill, Page 2, Section 192.300, Line 27, by inserting after all of said line the following:

“640.710. 1. The department shall promulgate rules regulating the establishment, permitting, design, construction, operation and management of class I facilities. The department shall have the authority and jurisdiction to regulate the establishment, permitting, design, construction, operation and management of any class I facility. Such rules may require monitoring wells on a site-specific basis when, in the determination of the [division of geology and land survey] **Missouri geological survey, any class [IA] I concentrated animal feeding operation [lagoons are] is located in hydrologically sensitive areas where the quality of groundwater may be compromised. Such rules and regulations shall be designed to afford a prudent degree of environmental protection while accommodating modern agricultural practices.**

2. Except as **otherwise** provided [in subsections 3 and 4 of this section] **by a county planning commission**, the [department shall require at least but not more than the] following buffer distances **shall apply** between the nearest confinement **or production** building or lagoon and any public building or occupied residence, except a residence which is owned by the concentrated animal feeding operation or a residence from which a written agreement for operation is obtained:

(1) For concentrated animal feeding operations with at least one thousand animal units, one [thousand feet] **mile**;

(2) For concentrated animal feeding operations with between three thousand and six thousand nine hundred ninety-nine animal units inclusive, [two thousand feet] **one and one-half miles**; and

(3) For concentrated animal feeding operations of seven thousand or more animal units, [three thousand feet] **two miles**.

3. All concentrated animal feeding operations in existence as of [June 25, 1996] **August 28, 2019**, shall be exempt from the buffer distances prescribed in subsection 2 of this section. Such distances shall not apply to concentrated animal feeding operations which have received a written agreement which has been signed by all affected property owners within the buffer distance.

4. The department may, upon review of the information contained in the site plan including, but not limited to, the prevailing winds, topography and other local environmental factors, authorize a distance which is less than the distance prescribed in subsection 2 of this section. The department's recommendation shall be sent to the governing body of the county in which such site is proposed. The department's authorized buffer distance shall become effective unless the county governing body rejects the department's recommendation by a majority vote at the next meeting of the governing body after the recommendation is received.

5. Nothing in this section shall be construed as restricting local controls.”; and

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted.

At the request of Senator Nasheed, **SA 6** was withdrawn.

President Kehoe assumed the Chair.

Senator Nasheed offered **SA 7**, which was read:

**SENATE AMENDMENT NO. 7**

Amend Senate Substitute for Senate Bill No. 391, Page 2, Section 192.300, Line 27, by inserting after all of said line the following:

**“5. The provisions of this section shall only apply to counties of the second classification.”.**

Senator Nasheed moved that the above amendment be adopted, which motion failed.

Senator Nasheed offered **SA 8**:

**SENATE AMENDMENT NO. 8**

Amend Senate Substitute for Senate Bill No. 391, Page 2, Section 192.300, Line 27, by inserting after all of said line the following:

**“5. The provisions of this section shall only apply to counties of the third and fourth classification.”.**

Senator Nasheed moved that the above amendment be adopted, which motion failed.

Senator Sifton offered **SA 9**:

**SENATE AMENDMENT NO. 9**

Amend Senate Substitute for Senate Bill No. 391, Page 2, Section 192.300, Line 27, by inserting after all of said line the following:

“442.571. 1. Except as provided in sections 442.586 and 442.591, No alien or foreign business shall acquire by grant, purchase, devise, descent or otherwise agricultural land in this state if the total aggregate alien and foreign ownership of agricultural acreage in this state exceeds one percent of the total aggregate agricultural acreage in this state. A sale or transfer of any agricultural land in this state shall be submitted to the director of the department of agriculture for review in accordance with subsection 3 of this section only if there is no completed Internal Revenue Service Form W-9 signed by the purchaser. No person may hold agricultural land as an agent, trustee, or other fiduciary for an alien or foreign business in violation of sections 442.560 to 442.592, provided, however, that no security interest in such agricultural land shall be divested or invalidated by such violation.

2. Any alien or foreign business who acquires agricultural land in violation of sections 442.560 to 442.592 remains in violation of sections 442.560 to 442.592 for as long as he or she holds an interest in the land, provided, however, that no security interest in such agricultural land shall be divested or invalidated by such violation.

3. Subject to the provisions of subsection 1 of this section, such proposed acquisitions by grant, purchase, devise, descent, or otherwise of agricultural land in this state shall be submitted to the department of agriculture to determine whether such acquisition of agricultural land is conveyed in accordance with the one percent restriction on the total aggregate alien and foreign ownership of agricultural land in this state. [The department shall establish by rule the requirements for submission and approval of requests under this subsection.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void].

**Section 1. Notwithstanding the provisions of section 1.140 to the contrary, the provisions of this act shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of this act.**

[442.576. 1. If the director finds that an alien or foreign business or an agent, trustee, or other fiduciary therefor has acquired agricultural land in Missouri in violation of sections 442.560 to 442.592, or the land ceases to be used for nonagricultural purposes under section 442.591, he or she shall report the violation to the attorney general.

2. The attorney general shall institute an action in the circuit court of Cole County or the circuit court in any county in which agricultural land owned by the alien or foreign business, agent, trustee or other fiduciary, alleged to have violated sections 442.560 to 442.592, is located.

3. The attorney general shall file a notice of the pendency of the action with the recorder of deeds of each county in which any portion of such agricultural lands is located. If the court finds that the lands in question have been acquired in violation of sections 442.560 to 442.592, it shall enter an order so declaring and shall file a copy of the order with the recorder of deeds of each county in which any portion of the agricultural lands is located. The court shall order the owner to divest himself of the agricultural land. The owner must comply with the order within two years. The two-year limitation period shall be a covenant running with the title to the land against any alien grantee or assignee. Provided, however, an incorporated

foreign business must divest itself of agricultural land within the minimum time required by Article XI, Section 5, of the Missouri Constitution. Any agricultural lands not divested within the time prescribed shall be ordered sold by the court at a public sale in the manner prescribed by law for the foreclosure of a mortgage on real estate for default in payment.]

[442.581. Any person who obtains a lease on agricultural land for a term of ten years or longer or a lease renewable at his option for terms which might total ten years has acquired agricultural land within the meaning of sections 442.560 to 442.591.]

[442.586. Sections 442.560 to 442.591 shall not apply to agricultural land now owned in this state by aliens or foreign businesses so long as it is held by the present owners or their direct descendants including any trust for the benefit of either and any legal person owned or controlled by either including but not limited to corporations, limited liability corporations, partnerships, and limited liability partnerships, nor to any alien who is or shall take up bona fide residence in the United States; and any alien who is or shall become a bona fide resident of the United States shall have the right to acquire and hold agricultural lands in this state upon the same terms as citizens of the United States during the continuance of such bona fide residence in the United States; except, that if any resident alien shall cease to be a bona fide resident of the United States, such alien shall have two years from the time he ceased to be a bona fide resident in which to divest himself of such agricultural lands. Any agricultural lands not divested within the time prescribed shall be ordered sold by the court at a public sale in the manner prescribed by law for the foreclosure of a mortgage on real estate for default in payment.]

[442.591. The restrictions set forth in sections 442.560 to 442.592 shall not apply to agricultural land or any interest therein acquired by an alien or foreign business for immediate or potential use in nonfarming purposes. An alien or foreign business may hold such agricultural land in such acreage as may be necessary to its nonfarm business operation; provided, however, that pending the development of agricultural land for nonfarm purposes, such land may not be used for farming except under lease to a family farm unit; a family farm corporation defined in section 350.010; an alien or foreign business which has filed with the director under sections 442.560 to 442.592; or except when controlled through ownership, options, leaseholds or other agreements by a corporation which has entered into an agreement with the United States of America pursuant to the New Community Act of 1968 (Title IV of the Housing and Urban Development Act of 1969, 42 U.S.C. 3901-3914), as amended, or a subsidiary or assignee of such a corporation.]

[442.592. 1. For the purposes of this section, the term “foreign person” means:

(1) An individual who is not a citizen of the United States and who has not been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act or who has not been made a citizen by an act of Congress;

(2) An entity, other than an individual or a government, that is created or organized under the laws of a nation other than the United States, or that has its principal place of business in a foreign nation;

(3) An entity, other than an individual or a government, that is created or organized under the laws of the United States or of some state, territory, trusteeship or protectorate of the United States and that, as defined in regulations to be prescribed by the director, is substantially controlled by individuals referred to in subdivision (1) of this subsection, entities referred to in subdivision (2)

of this subsection, governments of foreign nations, or any combination of such individuals, entities, or governments; and

(4) A government of a foreign nation.

2. Any foreign person who holds any interest (including leaseholds of ten or more years and beneficial interests in the agricultural land under contracts of sale or similar arrangements), other than a security interest, in agricultural land on September 28, 1979, shall submit, or have a designated agent submit, a report to the director of agriculture not later than sixty days after September 28, 1979; provided, however, that no reporting requirement attaches to any holding by an alien or a foreign person or a foreign business of an interest in agricultural land for the extraction, refining, processing or transportation of oil, gas, coal or lignite. Such report shall be submitted in such manner as the director shall prescribe by regulation and shall contain:

(1) The legal name and address of the foreign person;

(2) In any case in which the foreign person is an individual, the citizenship of the foreign person;

(3) In any case in which the foreign person is not an individual or a government:

(a) The nation in which the foreign person is created or organized;

(b) The principal place of business of the foreign person;

(c) The legal name and address of each person who holds a substantial interest (as defined in regulations to be prescribed by the director) in the foreign person and, in any case in which the holder of such an interest is an individual, the citizenship of the holder and, in any case in which the holder of such an interest is not an individual or a government, the nation in which the holder is created or organized and the principal place of business of the holder;

(4) The type of interest in the agricultural land that is held by the foreign person;

(5) A legal description of the agricultural land, including the county in which the land is located and the total acreage involved;

(6) The date of acquisition of the interest and the purchase price paid for, or any other consideration given for, the interest;

(7) A declaration of the type of agricultural activity engaged in by the reporting foreign person;

(8) In the case where any foreign person holds an interest in agricultural land for the purposes outlined in section 442.591, a declaration of intent as to the intended use of the land.

3. No rule or portion of a rule promulgated under the authority of sections 442.560 to 442.591 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

4. Any foreign person who acquires or transfers any interest (including leaseholds of ten years or more and beneficial interests in the agricultural land under contracts of sale or similar arrangements), other than a security interest, in agricultural land shall submit, or have a designated agent submit, a report to the director not later than thirty days after the date of such acquisition or transfer; provided, however, that no reporting requirement attaches to an acquisition or transfer by an alien or a foreign person or a foreign business of an interest in agricultural land for the extraction,

refining, processing, or transportation of oil, gas, coal or lignite. Such report shall be submitted in such manner as the director shall prescribe by regulation and shall contain:

- (1) The legal name and address of the foreign person;
- (2) In any case in which the foreign person is an individual, the citizenship of the foreign person;
- (3) In any case in which the foreign person is not an individual or a government:
  - (a) The nation in which the foreign person is created or organized;
  - (b) The principal place of business of the foreign person;
  - (c) The legal name and address of each person who holds a substantial interest (as defined in regulations to be prescribed by the director) in the foreign person and, in any case in which the holder of such an interest is an individual, the citizenship of the holder and, in any case in which the holder of such an interest is not an individual or a government, the nation in which the holder is created or organized and the principal place of business of the holder;
- (4) The type of interest in the agricultural land that is acquired or transferred by the foreign person;
- (5) A legal description of the agricultural land including the county in which the land is located and the total acreage involved;
- (6) The purchase price paid or received for, or any other consideration given or received for, the interest;
- (7) In any case in which the foreign person transfers the interest, the legal name and the address of the person to whom the interest is transferred, and
  - (a) In any case in which the transferee is an individual, the citizenship of the transferee; and
  - (b) In any case in which the transferee is not an individual or a government, the nation in which the transferee is created or organized and the principal place of business of the transferee;
- (8) A declaration of the type of agricultural activity engaged in by the reporting foreign person;
- (9) In the case where any foreign person acquires an interest in agricultural land for the purposes outlined in section 442.591, a declaration of intent as to the intended use of the land.

5. The director may promulgate rules and regulations pertaining to the form and content of reports required by this section; the procedures for filing such reports; and the analysis and distribution of findings and determinations based on the reports required by this section.

6. (1) The director shall:

- (a) Analyze the information obtained under this section and determine the effects of foreign persons acquiring, transferring and holding agricultural land, particularly the effects of such acquisitions, transfers and holdings on family farms and rural communities; and
- (b) Transmit to the governor and each house of the general assembly a report on the director's findings and conclusions regarding each analysis and determination made under paragraph (a)

above;

(2) An analysis and determination shall be made, and a report on the director's findings and conclusions regarding such analysis and determination transmitted:

(a) With respect to information obtained by the director under this section during the six-month period following September 28, 1979, within nine months after such date;

(b) With respect to information obtained by the director under this section during the twelve-month period following September 28, 1979, within fifteen months after such date; and

(c) With respect to each calendar year following the twelve-month period referred to in paragraph (b), within ninety days after the end of such calendar year.

7. Any foreign person who fails to file a report required under the provisions of this section is liable to the state in civil penalty. The civil penalty shall be determined by the circuit court in an amount not to exceed twenty-five percent of the fair market value of the interest in agricultural land with respect to which the violations occurred on the date of the assessment of the penalty. The attorney general shall recover the amount of any civil penalty assessed in a civil action in the circuit court in the county in which any part of the land involved is located.]; and

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above amendment be adopted.

Senator Sifton offered **SA 1 to SA 9**:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 9

Amend Senate Amendment No. 9 to Senate Substitute for Senate Bill No. 391, Page 1, Section 442.571, Lines 3-24, by striking all of said lines from the amendment; and

Further amend said amendment page 2, lines 1-6 by striking all of said lines from the amendment and inserting in lieu thereof the following:

“442.571. [1. Except as provided in sections 442.586 and 442.591,] No alien or foreign business shall acquire by grant, purchase, devise, descent or otherwise agricultural land in this state [if the total aggregate alien and foreign ownership of agricultural acreage in this state exceeds one percent of the total aggregate agricultural acreage in this state. A sale or transfer of any agricultural land in this state shall be submitted to the director of the department of agriculture for review in accordance with subsection 3 of this section only if there is no completed Internal Revenue Service Form W-9 signed by the purchaser]. **Any alien or foreign business owning or otherwise possessing agricultural land on the effective date of this act shall convey all interests in such land to a non-alien or non-foreign business within three months of the effective date of this act.** No person may hold agricultural land as an agent, trustee, or other fiduciary for an alien or foreign business in violation of **this section** [sections 442.560 to 442.592, provided, however, that no security interest in such agricultural land shall be divested or invalidated by such violation.

2. Any alien or foreign business who acquires agricultural land in violation of sections 442.560 to 442.592 remains in violation of sections 442.560 to 442.592 for as long as he or she holds an interest in the land, provided, however, that no security interest in such agricultural land shall be divested or invalidated by such violation.

3. Subject to the provisions of subsection 1 of this section, such proposed acquisitions by grant, purchase, devise, descent, or otherwise of agricultural land in this state shall be submitted to the department of agriculture to determine whether such acquisition of agricultural land is conveyed in accordance with the one percent restriction on the total aggregate alien and foreign ownership of agricultural land in this state. The”.

Senator Sifton moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Arthur, Curls, Schupp and Walsh.

**SA 1 to SA 9** failed of adoption by the following vote:

YEAS—Senators

Arthur	Curls	May	Nasheed	Rizzo	Schupp	Sifton
Walsh	Williams—9					

NAYS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Eigel
Emery	Hegeman	Hoskins	Hough	Libla	Luetkemeyer	Onder
Riddle	Rowden	Wallingford	White	Wieland—19		

Absent—Senators

Holsman	Koenig	O’Laughlin	Sater	Schatz—5
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Absent with leave—Senator Romine—1

Vacancies—None

At the request of Senator Sifton, **SA 9** was withdrawn.

Senator Cierpiot offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Bill No. 391, Page 1, Section 192.300, Line 19 of said page, by inserting immediately after “chapters” the following: “, **unless such order, ordinance, rule or regulation is submitted by the governing body of the county to the qualified voters of the county for approval at the next general election. If a majority of the votes cast on the question by the qualified voters of the county voting thereon are in favor of such question, the order, ordinance, rule or regulation shall take effect when so approved**”.

Senator Cierpiot moved that the above amendment be adopted, which motion failed.

Senator Arthur offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Bill No. 391, Page 1, Section 192.300, Line 15, by inserting after “(2)” the following: “**For any order, ordinance, rule or regulation enacted after August 28, 2019,**”.

Senator Arthur moved that the above amendment be adopted, which motion failed.

Senator Emery assumed the Chair.

President Kehoe assumed the Chair.



Senator Schupp offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Bill No. 391, Page 2, Section 192.300, Line 27, by inserting after all of said line the following:

**Section 1. Notwithstanding any provision of law to the contrary, all liquified manure from a concentrated animal feeding operation that is purchased or received by a third party and is surface-applied shall maintain an application setback of at least fifty feet from a property boundary, three hundred feet from any public drinking water lake, three hundred feet from any public drinking water well, three hundred feet from any public drinking water intake structure, one hundred feet from any perennial and intermittent streams without vegetation abutting such streams, and thirty five feet from any perennial and intermittent streams with vegetation abutting such streams. If the department of natural resources promulgates rules providing for a distance requirement for the application of liquified manure from a concentrated animal feeding operation that is stricter than the provisions of this section, such rules shall apply to the spread of all liquified manure subject to the provisions of this section. Any violation of this section shall be subject to the penalties set forth in section 644.076.”;**  
and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator Bernskoetter moved that **SS** for **SB 391**, as amended, be adopted, which motion prevailed.

On motion of Senator Bernskoetter, **SS** for **SB 391**, as amended, was declared perfected and ordered printed.

**RESOLUTIONS**

Senator Romine offered Senate Resolution No. 773, regarding Deborah Dildine, Imperial, which was adopted.

Senator Romine offered Senate Resolution No. 774, regarding Annette Jacobs, Imperial, which was adopted.

Senator Romine offered Senate Resolution No. 775, regarding William Shawgo, Festus, which was adopted.

Senator Romine offered Senate Resolution No. 776, regarding Shelia Sampson, Cadet, which was adopted.

Senator Romine offered Senate Resolution No. 777, regarding Dennis Meinhardt, Hillsboro, which was adopted.

Senator Romine offered Senate Resolution No. 778, regarding Erin Carlton, Imperial, which was adopted.

Senator Romine offered Senate Resolution No. 779, regarding Kristi Crocker, Hillsboro, which was adopted.

Senator Romine offered Senate Resolution No. 780, regarding Melissa Herrmann, Hillsboro, which was adopted.

Senator Romine offered Senate Resolution No. 781, regarding Jackie Kocurek, Hillsboro, which was adopted.

Senator Romine offered Senate Resolution No. 782, regarding Jennifer Laiben, Herculanum, which was adopted.

Senator Romine offered Senate Resolution No. 783, regarding Mary Luby, Hillsboro, which was adopted.

Senator Romine offered Senate Resolution No. 784, regarding Joan Sebaugh, Hillsboro, which was adopted.

Senator Romine offered Senate Resolution No. 785, regarding Rebecca Windsor, Farmington, which was adopted.

Senator Romine offered Senate Resolution No. 786, regarding Patricia Fears, Barnhart, which was adopted.

Senator Romine offered Senate Resolution No. 787, regarding Katherine Goodman, Festus, which was adopted.

Senator Romine offered Senate Resolution No. 788, regarding Beth Ann Johnston, Hillsboro, which was adopted.

Senator Romine offered Senate Resolution No. 789, regarding Debra Laidlaw, De Soto, which was adopted.

Senator Romine offered Senate Resolution No. 790, regarding Janice McClinton, De Soto, which was adopted.

Senator Romine offered Senate Resolution No. 791, regarding Kim Saxton, Festus, which was adopted.

Senator Romine offered Senate Resolution No. 792, regarding Kathy Wynn, Hillsboro, which was adopted.

Senator Romine offered Senate Resolution No. 793, regarding Beth Yancey, De Soto, which was adopted.

Senator Romine offered Senate Resolution No. 794, regarding Karen Ziegler, De Soto, which was adopted.

Senator Romine offered Senate Resolution No. 795, regarding Cathy Ringo, Hillsboro, which was adopted.

Senator Romine offered Senate Resolution No. 796, regarding Marcia Martinson, De Soto, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Hoskins introduced to the Senate, Brandon Phelps, and his daughter, Morgan, Warrensburg.

Senator Nasheed introduced to the Senate, Otis Williams, St. Louis.

Senator Riddle introduced to the Senate, Director and Chief Curator Tim Riley, National Churchill

Museum, Fulton.

Senator Rowden introduced to the Senate, Judge Evelyn Baker, St. Louis.

On motion of Senator Rowden, the Senate adjourned until 2:00 p.m., Tuesday, April 30, 2019.

## SENATE CALENDAR

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FIFTY-NINTH DAY—TUESDAY, APRIL 30, 2019

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## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HCS for HJR 48, 46 & 47  
 HB 600-Bondon  
 HCS for HB 1135  
 HCS for HB 1137

HB 713-Morris (140)  
 HCS for HB 842  
 HCS for HB 1162  
 HB 681-Knight

### THIRD READING OF SENATE BILLS

SCS for SB 465-Burlison (In Fiscal Oversight)  
 SB 514-Sater (In Fiscal Oversight)  
 SB 255-Bernskoetter (In Fiscal Oversight)

SS for SCS for SB 37-Onder and Nasheed  
 (In Fiscal Oversight)  
 SCS for SB 1-Curls and Nasheed

### SENATE BILLS FOR PERFECTION

1. SB 430-Libla  
 2. SB 186-Hegeman  
 3. SB 302-Wallingford  
 4. SB 347-Burlison  
 5. SB 439-Brown  
 6. SB 303-Riddle, with SCS  
 7. SB 376-Riddle  
 8. SB 82-Cunningham, with SCS  
 9. SB 161-Cunningham  
 10. SB 144-Burlison, with SCS

11. SJR 20-Koenig, with SCS  
 12. SB 208-Wallingford  
 13. SB 189-Crawford, with SCS  
 14. SB 385-Bernskoetter  
 15. SB 409-Wieland, et al  
 16. SB 437-Hoskins  
 17. SB 286-Hough  
 18. SB 325-Crawford, with SCS  
 19. SBs 8 & 74-Emery, with SCS  
 20. SB 386-O'Laughlin, with SCS

- 21. SB 272-Emery, with SCS
- 22. SB 265-Luetkemeyer, with SCS
- 23. SB 135-Sifton, with SCS
- 24. SB 342-Curls and Nasheed

- 25. SB 424-Luetkemeyer
- 26. SB 367-Burlison
- 27. SB 22-Nasheed, with SCS

#### HOUSE BILLS ON THIRD READING

- 1. HCS for HB 225, with SCS (Romine)
- 2. HCS for HB 255 (Cierpiot)
- 3. HCS for HB 469 (Wallingford)
- 4. HCS for HB 677 (Cierpiot)
- 5. HB 260-Taylor, with SCS (Bernskoetter)
- 6. HCS for HB 547, with SCS (Bernskoetter)
- 7. HCS for HB 169, with SCS (Romine)
- 8. HB 219-Wood (Sater)
- 9. HB 831-Sharpe (Brown)
- 10. HCS for HB 694 (Riddle)
- 11. HCS#2 for HB 499 (Schatz)
- 12. HCS for HB 192, with SCS (Emery)
- 13. HB 485-Dogan, with SCS (Emery)  
(In Fiscal Oversight)
- 14. HCS for HB 564, with SCS (Koenig)
- 15. HCS for HB 678, with SCS (Williams)
- 16. HCS for HB 399, with SCS (Hoskins)
- 17. HB 126-Schroer, with SCS (Koenig)
- 18. HB 138-Kidd (Wallingford)
- 19. HB 332-Lynch, with SCS (Wallingford)
- 20. HCS for HBs 243 & 544, with SCS (Arthur)
- 21. HCS for HB 220, with SCS (O'Laughlin)
- 22. HB 821-Solon (Luetkemeyer)
- 23. HB 565-Morse, with SCS (Wallingford)
- 24. HCS for HB 447, with SCS (Riddle)
- 25. HB 113-Smith, with SCS (Emery)
- 26. HCS for HB 604, with SCS (Hoskins)  
(In Fiscal Oversight)
- 27. HB 214-Trent (Hough)

- 28. HCS for HB 1088 (Hoskins)  
(In Fiscal Oversight)
- 29. HB 355-Plocher, with SCS (Wallingford)
- 30. HCS for HB 160, with SCS (White)  
(In Fiscal Oversight)
- 31. HB 584-Knight, with SCS (Wallingford)  
(In Fiscal Oversight)
- 32. HB 599-Bondon, with SCS (Cunningham)  
(In Fiscal Oversight)
- 33. HB 1029-Bondon (Brown)  
(In Fiscal Oversight)
- 34. HB 257-Stephens (Sater)
- 35. HB 563-Wiemann (Wallingford)  
(In Fiscal Oversight)
- 36. HCS for HB 266, with SCS (Hoskins)
- 37. HCS for HB 959, with SCS (Cierpiot)
- 38. HCS for HB 333, with SCS (Crawford)  
(In Fiscal Oversight)
- 39. HB 461-Pfautsch (Brown)  
(In Fiscal Oversight)
- 40. HCS for HB 824 (Hoskins)  
(In Fiscal Oversight)
- 41. HB 587-Rone (Crawford)  
(In Fiscal Oversight)
- 42. HCS for HB 346 (Wallingford)  
(In Fiscal Oversight)
- 43. HB 1061-Patterson (Hoskins)
- 44. HB 470-Grier, with SCS (O'Laughlin)

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 3-Curls	SB 201-Romine
SB 4-Sater	SB 205-Arthur, with SCS
SB 5-Sater, et al, with SCS	SB 211-Wallingford
SB 10-Cunningham, with SCS & SA 1 (pending)	SB 222-Hough
SB 14-Wallingford	SB 224-Luetkemeyer, with SS#2 (pending)
SB 16-Romine, with SCS, SS for SCS, SA 3 & point of order (pending)	SB 225-Curls
SB 19-Libla, with SA 1 (pending)	SB 234-White
SB 31-Wieland	SB 252-Wieland, with SCS
SB 39-Onder	SB 259-Romine, with SS & SA 3 (pending)
SB 44-Hoskins, with SCS & SS#3 for SCS (pending)	SB 276-Rowden, with SCS
SBs 46 & 50-Koenig, with SCS, SS for SCS & SA 6 (pending)	SB 278-Wallingford, with SCS
SB 49-Rowden, with SCS	SBs 279, 139 & 345-Onder and Emery, with SCS
SB 52-Eigel, with SCS	SB 292-Eigel, with SCS & SS#2 for SCS (pending)
SB 56-Cierpiot, with SCS, SS for SCS & SA 1 (pending)	SB 293-Hough, with SCS
SB 57-Cierpiot	SB 296-Cierpiot, with SCS
SB 62-Burlison, with SCS	SB 298-White, with SCS
SB 65-White, with SS (pending)	SB 300-Eigel
SB 69-Hough	SB 312-Eigel
SB 76-Sater, with SCS (pending)	SB 316-Burlison
SB 78-Sater	SB 318-Burlison
SB 97-Hegeman, with SCS	SB 328-Burlison, with SCS
SB 100-Riddle, with SS (pending)	SB 332-Brown
SB 118-Cierpiot, with SCS	SB 336-Schupp
SB 132-Emery, with SCS	SB 343-Eigel, with SCS
SB 141-Koenig	SB 344-Eigel, with SCS
SB 150-Koenig, with SCS	SB 349-O'Laughlin, with SCS
SBs 153 & 117-Sifton, with SCS	SB 350-O'Laughlin
SB 154-Luetkemeyer, with SS & SA 2 (pending)	SB 354-Cierpiot, with SCS
SB 155-Luetkemeyer	SB 412-Holsman
SB 160-Koenig, with SCS, SS for SCS & SA 2 (pending)	SB 426-Williams
SB 168-Wallingford, with SCS	SB 431-Schatz, with SCS
	SJR 1-Sater and Onder, with SS#2 & SA 1 (pending)
	SJR 13-Holsman, with SCS, SS for SCS & SA 1 (pending)
	SJR 18-Cunningham

HOUSE BILLS ON THIRD READING

HB 188-Rehder (Luetkemeyer)

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SCS (Hegeman)	HCS for HB 8, with SCS (Hegeman)
HCS for HB 3, with SCS (Hegeman)	HCS for HB 9, with SCS (Hegeman)
HCS for HB 4, with SCS (Hegeman)	HCS for HB 10, with SS for SCS (Hegeman)
HCS for HB 5, with SCS (Hegeman)	HCS for HB 11, with SCS (Hegeman)
HCS for HB 6, with SCS (Hegeman)	HCS for HB 12, with SCS (Hegeman)
HCS for HB 7, with SS for SCS (Hegeman)	HCS for HB 13, with SCS (Hegeman)

Requests to Recede or Grant Conference

SB 182-Cierpiot, et al, with HCS, as  
amended (Senate requests House  
recede or grant conference)

RESOLUTIONS

SR 20-Holsman

SR 731-Hoskins

Reported from Committee

SCR 8-Holsman	SCR 22-Holsman
SCR 13-Emery	SCR 23-Luetkemeyer
SCR 15-Burlison	HCS for HCR 16 (Hoskins)
SCR 19-Eigel	HCR 18-Spencer (Eigel)
SCR 21-May	

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# Journal of the Senate

## FIRST REGULAR SESSION

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**FIFTY-NINTH DAY—TUESDAY, APRIL 30, 2019**

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The Senate met pursuant to adjournment.

Senator Hough assumed the Chair.

Senator Wallingford offered the following prayer:

“Bless the Lord, O my soul, and do not forget all His benefits” (Psalms 103:2)

Lord, You give to us what we need, strength to do our work, wisdom to lead and courage to face the day’s challenges. But we also ask that You grant us the favor to lead us down the paths that we need to walk and work to reach the goal You have set before us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Rowden offered Senate Resolution No. 797, regarding Consolidated Public Water Supply District 1 of Boone County, which was adopted.

Senator Holsman offered Senate Resolution No. 798, regarding Guadalupe Centers, Kansas City, which

was adopted.

Senator White offered Senate Resolution No. 799, regarding Nathaniel James Hardy, Webb City, which was adopted.

Senator Brown offered Senate Resolution No. 800, regarding Linda Daniels, St. Robert, which was adopted.

Senator Brown offered Senate Resolution No. 801, regarding Beulah “Bea” Roggy, Camdenton, which was adopted.

Senator Hough offered Senate Resolution No. 802, regarding Gerald Neville, Springfield, which was adopted.

Senator Hough offered Senate Resolution No. 803, regarding Naseem Saquer, which was adopted.

Senator Eigel offered Senate Resolution No. 804, regarding Nicolette Kolenc, St. Charles, which was adopted.

Senator Eigel offered Senate Resolution No. 805, regarding Anne Katherine Meister, St. Peters, which was adopted.

Senator Eigel offered Senate Resolution No. 806, regarding Alyssa Miller, St. Peters, which was adopted.

Senator Eigel offered Senate Resolution No. 807, regarding Josephine Phillips, St. Peters, which was adopted.

Senator Eigel offered Senate Resolution No. 808, regarding Josette Prince, St. Charles, which was adopted.

Senator Eigel offered Senate Resolution No. 809, regarding Jillian Marie Rodgers, St. Charles, which was adopted.

Senator Eigel offered Senate Resolution No. 810, regarding Virginia Weisar, St. Charles, which was adopted.

Senator Eigel offered Senate Resolution No. 811, regarding Sarah Wyble, St. Peters, which was adopted.

Senator Eigel offered Senate Resolution No. 812, regarding Kellie Marshall, St. Peters, which was adopted.

Senator Eigel offered Senate Resolution No. 813, regarding Emily Albers, St. Peters, which was adopted.

Senator Sater offered Senate Resolution No. 814, regarding Dwayne and Janice Bearbower, Anderson, which was adopted.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 576**, entitled:



An Act to repeal section 173.1550, RSMo, and to enact in lieu thereof four new sections relating to campus free expression.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 868**, entitled:

An Act to repeal sections 476.001 and 600.042, RSMo, and to enact in lieu thereof two new sections relating to duties of the director of the state public defender system.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1002**, entitled:

An Act to repeal section 307.015, RSMo, and to enact in lieu thereof one new section relating to mud flap requirements, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2**. Representatives: Smith, Wood, Black (7), Kendrick, Burnett.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 3**. Representatives: Smith, Wood, Black (7), Kendrick, Burnett.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 4**. Representatives: Smith, Wood, Walsh, Kendrick, Razer.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 5**. Representatives: Smith, Wood, Trent, Kendrick, Lavender.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 6**. Representatives: Smith, Wood, Kelly (141), Kendrick, Pierson Jr.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 7**. Representatives: Smith, Wood, Kelly (141), Kendrick, Washington.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 8**. Representatives: Smith, Wood, Walsh, Kendrick, Merideth.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 9**. Representatives: Smith, Wood, Walsh, Kendrick, Merideth.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 10**. Representatives: Smith, Wood, Patterson, Lavender, Walker.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 11**. Representatives: Smith, Wood, Patterson, Lavender, Walker.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 12**. Representatives: Smith, Wood, Trent, Kendrick, Merideth.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 13**. Representatives: Smith, Wood, Trent, Kendrick, Razer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 133**, entitled:

An Act to repeal sections 89.020, 195.740, 195.743, 195.746, 195.749, 195.752, 195.755, 195.756,

195.758, 195.764, 195.767, 195.770, 264.061, 266.031, 266.165, 266.190, 280.005, 280.010, 280.020, 280.030, 280.035, 280.037, 280.038, 280.040, 280.050, 280.060, 280.070, 280.080, 280.090, 280.095, 280.100, 280.110, 280.120, 280.130, 280.140, 281.035, 281.037, 281.038, 281.050, and 281.260, RSMo, and to enact in lieu thereof twenty-five new sections relating to agriculture, with penalty provisions and an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 53**, entitled:

An Act to repeal sections 54.140 and 64.805, RSMo, and to enact in lieu thereof two new sections relating to duties of county officials, with a penalty provision.

With House Amendment Nos. 1, 2, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, and House Amendment No. 5.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 53, Page 1, In the Title, Line 3, by deleting the words “duties of county officials” and inserting in lieu thereof the words “political subdivisions”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 53, Page 1, Section 54.140, Lines 7 and 12, by deleting the word “**reasonably**” and inserting in lieu thereof the word “**financially**”; and

Further amend said bill, page, and section, Line 7, by deleting the word “**reviewing**” and inserting in lieu thereof the word “**processing**”; and

Further amend said bill, page, and section, Line 11, by deleting the word “, **review of**,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to House Committee Substitute for Senate Bill No. 53, Page 3, Line 48, by inserting after all of said line the following:

“Further amend said bill, Page 2, Section 64.805, Line 13, by inserting after all of said section and line the following:

“479.080. 1. In the prosecution of violations of municipal ordinances before a municipal judge, all fines and costs shall be paid to and deposited not less frequently than monthly into the municipal treasury.

2. In the prosecution of violations of municipal ordinances before an associate circuit judge, all fines shall be [paid to and deposited not less frequently than monthly into the municipal treasury and] **sent to the director of the department of revenue and shall be distributed annually to the schools of the county**

**in the same manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the state are distributed.** All court costs shall be accounted for and remitted to the state treasury in the same manner as provided by law for costs in misdemeanor cases.

3. The supreme court by administrative rule may provide for uniform procedure, and reporting forms for the collection and transmittal of fines and costs. Until modified or otherwise provided by such administrative rule, the municipal judge, or associate circuit judge hearing and determining violations of municipal ordinances, shall cause the clerk serving his division, within the first ten days of every month, to make out a list of all the cases heard or tried before the judge during the preceding month, giving in each case the name of the defendant, the fine imposed, if any, the amount of costs, the names of defendants committed and the cases in which there was an application for trial de novo, respectively. Such clerk or the judge shall verify such lists and statements by affidavit, and file the same forthwith with the clerk of the municipality, who shall lay the same before the governing body or the municipality at its first session thereafter. The official collecting fines shall, within the ten days aforesaid, pay to the municipal treasurer the full amount of all fines collected by him during the preceding month if not previously paid to the municipal treasurer.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 53, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“8.007. 1. The commission shall:

(1) Exercise general supervision of the administration of sections 8.001 to 8.007, **including employing staff and retaining such contract services as necessary for performance of the duties and purposes of these sections;**

(2) Evaluate and approve capitol studies and improvement, expansion, renovation, and restoration projects including, but not limited to, the “21st-Century State Capitol Restoration Project”, which includes, but is not limited to, the development and implementation of a comprehensive master plan for the restoration, protection, risk management, and continuing preservation of the capitol building, grounds, and any annex areas. For purposes of this section, “annex areas” shall mean the building currently occupied by the Missouri department of transportation located at 105 West Capitol Avenue in Jefferson City, if used to house members of the general assembly or legislative support staff, or any new building constructed for such purposes;

(3) Exercise ongoing supervision and coordination of the capitol building, grounds, and any annex areas;

(4) Evaluate and recommend courses of action on the restoration and preservation of the capitol, the preservation of historical significance of the capitol and the history of the capitol;

(5) Evaluate and recommend courses of action to ensure accessibility to the capitol for physically disabled persons;

(6) Advise, consult, and cooperate with the office of administration, the archives division of the office of the secretary of state, the historic preservation program within the department of natural resources, the division of tourism within the department of economic development and the historical society of Missouri

in furtherance of the purposes of sections 8.001 to 8.007;

(7) Be authorized to cooperate or collaborate with other state agencies and not-for-profit organizations to publish books and manuals concerning the history of the capitol, its improvement or restoration;

(8) On or before October first of each year, submit to the budget director and the general assembly estimates of the requirements for appropriations for the capitol building, grounds, and any annex areas for the year commencing on the following first day of July;

(9) Encourage, participate in, or conduct studies, investigations, and research and demonstrations relating to improvement and restoration of the state capitol it may deem advisable and necessary for the discharge of its duties pursuant to sections 8.001 to 8.007;

(10) Hold hearings, issue notices of hearings, and take testimony as the commission deems necessary; and

(11) Initiate planning efforts, subject to the appropriation of funds, for a centennial celebration of the laying of the capstone of the Missouri state capitol.

2. The “State Capitol Commission Fund” is hereby created in the state treasury. Any moneys received from sources other than appropriation by the general assembly, including from private sources, gifts, donations and grants, shall be credited to the state capitol commission fund and shall be appropriated by the general assembly.

3. The provisions of section 33.080 to the contrary notwithstanding, moneys in the second capitol commission fund shall not be transferred and placed to the credit of the general revenue fund. Moneys in the state capitol commission fund shall not be appropriated for any purpose other than those designated by the commission.

4. The commission is authorized to accept all gifts, bequests and donations from any source whatsoever. The commission may also apply for and receive grants consistent with the purposes of sections 8.001 to 8.007. All such gifts, bequests, donations and grants shall be used or expended upon appropriation in accordance with their terms or stipulations, and the gifts, bequests, donations or grants may be used or expended for the preservation, improvement, expansion, renovation, restoration and improved accessibility and for promoting the historical significance of the capitol.

5. The commission may copyright or obtain a trademark for any photograph, written work, art object, or any product created of the capitol or capitol grounds. The commission may grant access or use of any such works to other organizations or individuals for a fee, at its sole discretion, or waive all fees. All funds obtained through licensing fees shall be credited to the capitol commission fund in a manner similar to funds the commission receives as gifts, donations, and grants. The funds shall be used for repairs, refurbishing, or to create art, exhibits, decorations, or other beautifications or adornments to the capitol or its grounds.

**8.111. 1. There is hereby established the “Capitol Police Board” which shall be composed of five members, as follows:**

**(1) The governor, or his or her designee;**

**(2) The speaker of the house of representatives, or his or her designee;**

**(3) The president pro tempore of the senate, or his or her designee;**

- (4) The chief justice of the Missouri supreme court, or his or her designee; and
- (5) The chair of the state capitol commission.

The lieutenant governor, the chief clerk of the house of representatives, and the secretary of the senate, or their designees, shall serve as ex officio members of the board but shall not have the power to vote. At the first meeting of the board and at yearly intervals thereafter, the members shall select from amongst themselves a chair, a vice chair and a secretary.

2. The board shall be assigned to the house of representatives with supervision by the house of representatives only for budgeting and reporting. Such supervision shall not extend to matters relating to policies, regulative functions, or appeals from activities of the board, and no member or employee of the house of representatives shall participate in or interfere with the activities of the board in any manner not specifically provided by law, or at the direction of the board, and no member or employee of the house of representatives shall interfere in any manner with any budget request of or with respect to the withholding of any moneys appropriated to the board by the general assembly.

3. The board shall provide for public safety at the seat of government, and for the safety and security of elected officials, government employees, and their guests as needed outside the seat of government. The board shall hire police officers as described in section 8.177.

4. The board shall hire a chief of police who shall be certified under chapter 590 and serve subject to the supervision, and at the pleasure, of the board. The chief of police shall:

(1) Oversee the administrative operations of the capitol police and perform such other duties as may be delegated or assigned to the chief by law or by the board;

(2) Retain contract services as he or she deems necessary, within the limits authorized by appropriations by the general assembly;

(3) Appoint a security detail, both inside and outside the seat of government, for the lieutenant governor, members of the general assembly, and any other person when the chief, speaker of the house of representatives, and the president pro tempore deem such security detail necessary.

5. The board may promulgate rules relating to the provisions of sections 8.111 to 8.178. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

8.170. The [director] **Missouri capitol police** shall prosecute, in the name of the state, for all trespasses and injuries of every kind done to the public buildings and other property, and shall attend to the suits relative to the same. The attorney general shall give counsel, or prosecute suits, when required by the [director] **chief**.

8.172. The [commissioner of administration] **capitol police board** shall make rules and regulations for

the regulation of traffic and parking at all parking space upon the capitol grounds and upon the grounds of other state buildings located within the capital city. The regulations shall be enforced by the Missouri capitol police.

8.177. 1. The [director of the department of public safety] **capitol police board** shall employ Missouri capitol police officers for public safety at the seat of state government. Each Missouri capitol police officer, upon appointment, shall take and subscribe an oath of office to support the constitution and laws of the United States and the state of Missouri and shall receive a certificate of appointment, a copy of which shall be filed with the secretary of state, granting such police officers all the same powers of arrest held by other police officers to maintain order and preserve the peace in all state-owned or leased buildings, and the grounds thereof, at the seat of government and such buildings and grounds within the county which contains the seat of government.

2. The [director of the department of public safety] **capitol police board** shall appoint a sufficient number of Missouri capitol police officers, with available appropriations, as appropriated specifically for the purpose designated in this subsection, so that the capitol grounds may be patrolled at all times, and that traffic and parking upon the capitol grounds and the grounds of other state buildings owned or leased within the capital city and the county which contains the seat of government may be properly controlled. Missouri capitol police officers may make arrests for the violation of parking and traffic regulations promulgated by the office of administration.

3. Missouri capitol police officers shall be authorized to arrest a person anywhere in the county that contains the state seat of government, when there is probable cause to believe the person committed a crime within capitol police jurisdiction or when a person commits a crime in the presence of an on-duty capitol police officer.

8.178. Any person who violates sections 8.172 to [8.174, or section] 8.177, or any of the traffic or parking regulations of the [commissioner] **capitol police board** shall be punished as follows:

(1) Fines for traffic violations shall not, except as provided by section 301.143, exceed five dollars for overparking, fifteen dollars for double parking and fifty dollars for speeding[.]; and

(2) The circuit court of Cole County has authority to enforce [this law] **the traffic or parking regulations of the capitol police board.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 53, Page 2, Section 64.805, Line 13, by inserting after all of said section and line the following:

“67.1360. 1. The governing body of the following cities and counties may impose a tax as provided in this section:

(1) A city with a population of more than seven thousand and less than seven thousand five hundred;

(2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;

(3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;

(4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;

(5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;

(6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;

(7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;

(8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;

(9) Any county of the second classification without a township form of government and a population of less than thirty thousand;

(10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;

(11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;

(14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;

(15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(16) Any third class city with a population of more than three thousand eight hundred but less than four thousand inhabitants located in a county of the third classification with a population of more than fifteen



thousand nine hundred but less than sixteen thousand inhabitants;

(17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(18) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred inhabitants;

(20) Any county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants;

(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(25) Any city of the fourth classification with more than two thousand six hundred but less than two thousand seven hundred inhabitants located in any county of the third classification without a township form of government and with more than fifteen thousand three hundred but less than fifteen thousand four hundred inhabitants;

(26) Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

(27) Any city of the fourth classification with more than five thousand four hundred but fewer than five thousand five hundred inhabitants and located in more than one county;

(28) Any city of the fourth classification with more than six thousand three hundred but fewer than six thousand five hundred inhabitants and located in more than one county through the creation of a tourism district which may include, in addition to the geographic area of such city, the area encompassed by the portion of the school district, located within a county of the first classification with more than ninety-three

thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, having an average daily attendance for school year 2005-06 between one thousand eight hundred and one thousand nine hundred;

(29) Any city of the fourth classification with more than seven thousand seven hundred but less than seven thousand eight hundred inhabitants located in a county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants;

(30) Any city of the fourth classification with more than two thousand nine hundred but less than three thousand inhabitants located in a county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants;

(31) Any city of the third classification with more than nine thousand three hundred but less than nine thousand four hundred inhabitants;

(32) Any city of the fourth classification with more than three thousand eight hundred but fewer than three thousand nine hundred inhabitants and located in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants;

(33) Any city of the fourth classification with more than one thousand eight hundred but fewer than one thousand nine hundred inhabitants and located in any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants;

(34) Any county of the third classification without a township form of government and with more than twelve thousand one hundred but fewer than twelve thousand two hundred inhabitants;

(35) Any city of the fourth classification with more than three thousand eight hundred but fewer than four thousand inhabitants and located in more than one county; provided, however, that motels owned by not-for-profit organizations are exempt; [or]

(36) Any city of the fourth classification with more than five thousand but fewer than five thousand five hundred inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants; **or**

**(37) Any city with more than four thousand but fewer than five thousand five hundred inhabitants and located in any county of the fourth classification with more than thirty thousand but fewer than forty-two thousand inhabitants.**

2. The governing body of any city or county listed in subsection 1 of this section may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns, and campgrounds and any docking facility [which] **that** rents slips to recreational boats [which] **that** are used by transients for sleeping, which shall be at least two percent[,] but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary, or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

**94.842. 1. The governing body of any home rule city with more than one hundred fifty-five thousand but fewer than two hundred thousand inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city, which shall not be more than seven and one-half percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city submits to the voters of the city at a state general, primary or special election, a proposal to authorize the governing body of the city to impose a tax under the provisions of this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law, and the proceeds of such tax shall be used solely for capital investments that can be demonstrated to increase the number of overnight visitors. Such tax shall be stated separately from all other charges and taxes.**

**2. The question shall be submitted in substantially the following form:**

**Shall the (city) levy a tax of percent on each sleeping room occupied and rented by transient guests of hotels and motels located in the city, where the proceeds of which shall be expended for capital investments to increase tourism?**

☐ YES

☐ NO

**If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the governing body for the city shall have no power to impose the tax authorized by this section unless and until the governing body of the city again submits the question to the qualified voters of the city and such question is approved by a majority of the qualified voters voting on the question.**

**3. On and after the effective date of any tax authorized under the provisions of this section, the city which levied the tax may adopt one of the two following provisions for the collection and administration of the tax:**

**(1) The city which levied the tax may adopt rules and regulations for the internal collection of such tax by the city officers usually responsible for collection and administration of city taxes; or**

**(2) The city may enter into an agreement with the director of revenue of the state of Missouri for the purpose of collecting the tax authorized in this section. In the event any city enters into an agreement with the director of revenue of the state of Missouri for the collection of the tax authorized in this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of such tax, and the director of revenue shall collect the additional tax authorized under the provisions of this section. The tax authorized under the provisions of this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue, and the director of revenue shall retain not more than one percent for cost of collection.**

**4. As used in this section, “transient guests” means a person or persons who occupy a room or rooms in a hotel, motel, or tourist court consecutively for thirty-one days or less.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 134**, entitled:

An Act to repeal sections 260.240 and 260.273, RSMo, and to enact in lieu thereof two new sections relating to solid waste.

In which the concurrence of the Senate is respectfully requested.

### **HOUSE BILLS ON SECOND READING**

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

**HCS** for **HJR**s **48, 46 & 47**—Rules, Joint Rules, Resolutions and Ethics.

**HB 600**—Appropriations.

**HCS** for **HB 1135**—Seniors, Families and Children.

**HCS** for **HB 1137**—Small Business and Industry.

**HB 713**—Transportation, Infrastructure and Public Safety.

**HCS** for **HB 842**—Economic Development.

**HCS** for **HB 1162**—Economic Development.

**HB 681**—Agriculture, Food Production and Outdoor Resources.

### **REFERRALS**

President Pro Tem Schatz referred **HB 1061** and **HB 470**, with **SCS**, to the Committee on Fiscal Oversight.

President Pro Tem Schatz assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Emery, Chairman of the Committee on Government Reform, submitted the following report:

Mr. President: Your Committee on Government Reform, to which was referred **HB 186**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HCS** for **HB 466**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HCS** for

**HB 229**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HB 646**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Romine, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HBs 161** and **401**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Libla, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following report:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SJR 25**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Eigel, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 140**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crawford, Chairman of the Committee on Local Government and Elections, submitted the following reports:

Mr. President: Your Committee on Local Government and Elections, to which was referred **HB 321**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **SJR 21**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Luetkemeyer, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 67**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 391**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 26**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 24**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Hough assumed the Chair.

### **PRIVILEGED MOTIONS**

Senator Crawford moved that the Senate refuse to concur in **SB 53**, with **HCS**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### **HOUSE BILLS ON THIRD READING**

**HCS** for **HB 225**, with **SCS**, entitled:

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to workforce incentive grants.

Was taken up by Senator Romine.

**SCS** for **HCS** for **HB 225**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 225**

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to workforce incentive grants.

Was taken up.

Senator Romine moved that **SCS** for **HCS** for **HB 225** be adopted.

Senator Koenig offered **SS** for **SCS** for **HCS** for **HB 225**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 225**

An Act to repeal sections 160.410, 160.415, 162.081, 163.018, 167.125, 167.131, 167.151, and 167.241, RSMo, and to enact in lieu thereof twenty-five new sections relating to alternative education options for students, with penalty provisions and an emergency clause for certain sections.

Senator Koenig moved that **SS** for **SCS** for **HCS** for **HB 225** be adopted.

President Kehoe assumed the Chair.

Senator Crawford assumed the Chair.

Senator Onder requested a roll call vote be taken on the adoption of **SS** for **SCS** for **HCS** for **HB 225**. He was joined in his request by Senators Burlison, Eigel, Emery and Hoskins.

Senator Hoskins offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 225, Page 64, Section 173.2553, Line 26, by inserting after the word “child” the following: “**or due to the spouse or child of a member of any branch of the Armed Forces of the United States who is required to relocate because of the member’s service**”.

Senator Hoskins moved that the above amendment be adopted.

At the request of Senator Romine, **HCS** for **HB 225**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 30**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 197**.

Bill ordered enrolled.

### **RESOLUTIONS**

Senator Hoskins offered Senate Resolution No. 815, regarding Marvin Holcer, Chillicothe, which was adopted.

Senator Hoskins offered Senate Resolution No. 816, regarding Lucille Staton, Carrollton, which was adopted.

Senator Hoskins offered Senate Resolution No. 817, regarding Robert Bryant, Carrollton, which was adopted.

Senator Schatz offered Senate Resolution No. 818, regarding Sandy Rich, Ballwin, which was adopted.

Senator Onder offered Senate Resolution No. 819, regarding Emily Kurtz, Wentzville, which was adopted.

Senator Onder offered Senate Resolution No. 820, regarding Joshua Brosman, which was adopted.

Senator Onder offered Senate Resolution No. 821, regarding Rachel Reisner, which was adopted.

Senator Riddle offered Senate Resolution No. 822, regarding Jack and Joyce Davis, Mexico, which was adopted.

Senator Riddle offered Senate Resolution No. 823, regarding Shelley Brubaker, Foristell, which was adopted.

Senator Riddle offered Senate Resolution No. 824, regarding Mildred Groeper, Wright City, which was adopted.

### **INTRODUCTION OF GUESTS**

Senator Crawford introduced to the Senate, her husband, John, Buffalo; Don Ball, Phillipsburg; Boyd Householder, Humansville; Shane Hughes, Strafford; Keith Carnahan, St. Robert; Bob Reagan, Summersville; Lee Goff and Andrew Coblentz, Moberly; and Nolan Wynn, Holts Summit.

Senator Williams introduced to the Senate, Sam Gladney, Olivette.

On motion of Senator Rowden, the Senate adjourned under the rules.

## SENATE CALENDAR

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SIXTIETH DAY—WEDNESDAY, MAY 1, 2019

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## FORMAL CALENDAR

## HOUSE BILLS ON SECOND READING

HCS for HB 576  
HB 868-Mitten

HB 1002-Busick

## THIRD READING OF SENATE BILLS

SCS for SB 465-Burlison (In Fiscal Oversight)  
SB 514-Sater (In Fiscal Oversight)  
SB 255-Bernskoetter (In Fiscal Oversight)  
SS for SCS for SB 37-Onder and Nasheed  
(In Fiscal Oversight)

SCS for SB 1-Curls and Nasheed  
SS for SB 391-Bernskoetter

## SENATE BILLS FOR PERFECTION

1. SB 430-Libla  
2. SB 186-Hegeman  
3. SB 302-Wallingford  
4. SB 347-Burlison  
5. SB 439-Brown  
6. SB 303-Riddle, with SCS  
7. SB 376-Riddle  
8. SB 82-Cunningham, with SCS  
9. SB 161-Cunningham  
10. SB 144-Burlison, with SCS  
11. SJR 20-Koenig, with SCS  
12. SB 208-Wallingford  
13. SB 189-Crawford, with SCS  
14. SB 385-Bernskoetter  
15. SB 409-Wieland, et al

16. SB 437-Hoskins  
17. SB 286-Hough  
18. SB 325-Crawford, with SCS  
19. SBs 8 & 74-Emery, with SCS  
20. SB 386-O'Laughlin, with SCS  
21. SB 272-Emery, with SCS  
22. SB 265-Luetkemeyer, with SCS  
23. SB 135-Sifton, with SCS  
24. SB 342-Curls and Nasheed  
25. SB 424-Luetkemeyer  
26. SB 367-Burlison  
27. SB 22-Nasheed, with SCS  
28. SJR 25-Libla, with SCS  
29. SB 140-Koenig, with SCS  
30. SJR 21-May



## HOUSE BILLS ON THIRD READING

1. HCS for HB 255 (Cierpiot)
2. HCS for HB 469 (Wallingford)
3. HCS for HB 677 (Cierpiot)
4. HB 260-Taylor, with SCS (Bernskoetter)
5. HCS for HB 547, with SCS (Bernskoetter)
6. HCS for HB 169, with SCS (Romine)
7. HB 219-Wood (Sater)
8. HB 831-Sharpe (Brown)
9. HCS for HB 694 (Riddle)
10. HCS#2 for HB 499 (Schatz)
11. HCS for HB 192, with SCS (Emery)
12. HB 485-Dogan, with SCS (Emery)  
(In Fiscal Oversight)
13. HCS for HB 564, with SCS (Koenig)
14. HCS for HB 678, with SCS (Williams)
15. HCS for HB 399, with SCS (Hoskins)
16. HB 126-Schroer, with SCS (Koenig)
17. HB 138-Kidd (Wallingford)
18. HB 332-Lynch, with SCS (Wallingford)
19. HCS for HBs 243 & 544, with SCS (Arthur)
20. HCS for HB 220, with SCS (O'Laughlin)
21. HB 821-Solon (Luetkemeyer)
22. HB 565-Morse, with SCS (Wallingford)
23. HCS for HB 447, with SCS (Riddle)
24. HB 113-Smith, with SCS (Emery)
25. HCS for HB 604, with SCS (Hoskins)  
(In Fiscal Oversight)
26. HB 214-Trent (Hough)
27. HCS for HB 1088 (Hoskins) (In Fiscal Oversight)
28. HB 355-Plocher, with SCS (Wallingford)
29. HCS for HB 160, with SCS (White)  
(In Fiscal Oversight)
30. HB 584-Knight, with SCS (Wallingford)  
(In Fiscal Oversight)
31. HB 599-Bondon, with SCS (Cunningham)  
(In Fiscal Oversight)
32. HB 1029-Bondon (Brown)  
(In Fiscal Oversight)
33. HB 257-Stephens (Sater)
34. HB 563-Wiemann (Wallingford)  
(In Fiscal Oversight)
35. HCS for HB 266, with SCS (Hoskins)
36. HCS for HB 959, with SCS (Cierpiot)
37. HCS for HB 333, with SCS (Crawford)  
(In Fiscal Oversight)
38. HB 461-Pfautsch (Brown)  
(In Fiscal Oversight)
39. HCS for HB 824 (Hoskins)  
(In Fiscal Oversight)
40. HB 587-Rone (Crawford)  
(In Fiscal Oversight)
41. HCS for HB 346 (Wallingford)  
(In Fiscal Oversight)
42. HB 1061-Patterson (Hoskins)  
(In Fiscal Oversight)
43. HB 470-Grier, with SCS (O'Laughlin)  
(In Fiscal Oversight)
44. HB 186-Trent, with SCS
45. HCS for HB 466, with SCS (Riddle)
46. HCS for HB 229, with SCS
47. HB 646-Rowland
48. HCS for HBs 161 & 401, with SCS  
(Cunningham)
49. HB 321-Solon (Luetkemeyer)
50. HCS for HB 67, with SCS (Luetkemeyer)

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 3-Curls  
SB 4-Sater

SB 5-Sater, et al, with SCS  
SB 10-Cunningham, with SCS & SA 1 (pending)

SB 14-Wallingford  
 SB 16-Romine, with SCS, SS for SCS, SA 3  
 & point of order (pending)  
 SB 19-Libla, with SA 1 (pending)  
 SB 31-Wieland  
 SB 39-Onder  
 SB 44-Hoskins, with SCS & SS#3 for SCS  
 (pending)  
 SBs 46 & 50-Koenig, with SCS, SS for SCS  
 & SA 6 (pending)  
 SB 49-Rowden, with SCS  
 SB 52-Eigel, with SCS  
 SB 56-Cierpiot, with SCS, SS for SCS &  
 SA 1 (pending)  
 SB 57-Cierpiot  
 SB 62-Burlison, with SCS  
 SB 65-White, with SS (pending)  
 SB 69-Hough  
 SB 76-Sater, with SCS (pending)  
 SB 78-Sater  
 SB 97-Hegeman, with SCS  
 SB 100-Riddle, with SS (pending)  
 SB 118-Cierpiot, with SCS  
 SB 132-Emery, with SCS  
 SB 141-Koenig  
 SB 150-Koenig, with SCS  
 SBs 153 & 117-Sifton, with SCS  
 SB 154-Luetkemeyer, with SS & SA 2  
 (pending)  
 SB 155-Luetkemeyer  
 SB 160-Koenig, with SCS, SS for SCS &  
 SA 2 (pending)  
 SB 168-Wallingford, with SCS  
 SB 201-Romine  
 SB 205-Arthur, with SCS  
 SB 211-Wallingford

SB 222-Hough  
 SB 224-Luetkemeyer, with SS#2 (pending)  
 SB 225-Curls  
 SB 234-White  
 SB 252-Wieland, with SCS  
 SB 259-Romine, with SS & SA 3 (pending)  
 SB 276-Rowden, with SCS  
 SB 278-Wallingford, with SCS  
 SBs 279, 139 & 345-Onder and Emery,  
 with SCS  
 SB 292-Eigel, with SCS & SS#2 for SCS  
 (pending)  
 SB 293-Hough, with SCS  
 SB 296-Cierpiot, with SCS  
 SB 298-White, with SCS  
 SB 300-Eigel  
 SB 312-Eigel  
 SB 316-Burlison  
 SB 318-Burlison  
 SB 328-Burlison, with SCS  
 SB 332-Brown  
 SB 336-Schupp  
 SB 343-Eigel, with SCS  
 SB 344-Eigel, with SCS  
 SB 349-O'Laughlin, with SCS  
 SB 350-O'Laughlin  
 SB 354-Cierpiot, with SCS  
 SB 412-Holsman  
 SB 426-Williams  
 SB 431-Schatz, with SCS  
 SJR 1-Sater and Onder, with SS#2 & SA 1  
 (pending)  
 SJR 13-Holsman, with SCS, SS for SCS &  
 SA 1 (pending)  
 SJR 18-Cunningham

#### HOUSE BILLS ON THIRD READING

HB 188-Rehder (Luetkemeyer)

HCS for HB 225, with SCS, SS for SCS &  
 SA 1 (pending) (Romine)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 133-Cunningham, with HCS

SB 134-Wallingford, with HCS

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SCS (Hegeman)

HCS for HB 3, with SCS (Hegeman)

HCS for HB 4, with SCS (Hegeman)

HCS for HB 5, with SCS (Hegeman)

HCS for HB 6, with SCS (Hegeman)

HCS for HB 7, with SS for SCS (Hegeman)

HCS for HB 8, with SCS (Hegeman)

HCS for HB 9, with SCS (Hegeman)

HCS for HB 10, with SS for SCS (Hegeman)

HCS for HB 11, with SCS (Hegeman)

HCS for HB 12, with SCS (Hegeman)

HCS for HB 13, with SCS (Hegeman)

Requests to Recede or Grant Conference

SB 53-Crawford, with HCS, as amended  
(Senate requests House recede or  
grant conference)

SB 182-Cierpiot, et al, with HCS, as amended  
(Senate requests House recede or  
grant conference)

RESOLUTIONS

SR 20-Holsman

SR 731-Hoskins

Reported from Committee

SCR 8-Holsman

SCR 13-Emery

SCR 15-Burlison

SCR 19-Eigel

SCR 21-May

SCR 22-Holsman

SCR 23-Luetkemeyer

SCR 24-Hegeman and Luetkemeyer

SCR 26-Bernskoetter

HCS for HCR 16 (Hoskins)

HCR 18-Spencer (Eigel)

# Journal of the Senate

FIRST REGULAR SESSION

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**SIXTIETH DAY—WEDNESDAY, MAY 1, 2019**

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The Senate met pursuant to adjournment.

Senator Hoskins in the Chair.

Reverend Carl Gauck offered the following prayer:

“Unless the Lord builds the house, those who build it labor in vain.” (Psalms 127:1a)

Gracious God, let us never forget that You are the architect and builder less we be filled with pride that makes us stumble and fail in our efforts. Guide us to fulfill those things that are most necessary for us to do in these closing two and a half weeks of this session. Let us always be mindful to accomplish what must first be completed as You have designed and to take each task as its importance calls us forth to do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Romine offered Senate Resolution No. 825, regarding the Sixtieth Wedding Anniversary of Paul and Patricia Enright, St. Louis, which was adopted.

Senator Romine offered Senate Resolution No. 826, regarding Diane Rene Campbell, Irondale, which was adopted.

Senator Romine offered Senate Resolution No. 827, regarding Angela Lynn Schlosser, Potosi, which was adopted.

Senator Romine offered Senate Resolution No. 828, regarding Chris Taylor, Sullivan, which was adopted.

Senator Romine offered Senate Resolution No. 829, regarding Diane Hill, Potosi, which was adopted.

Senator Romine offered Senate Resolution No. 830, regarding Howard Lewis, Cadet, which was adopted.

Senator Romine offered Senate Resolution No. 831, regarding Jeffrey Raymond Singer, Potosi, which was adopted.

Senator Crawford offered Senate Resolution No. 832, regarding the Lebanon-Laclede County Route 66 Society, which was adopted.

Senator Cunningham offered Senate Resolution No. 833, regarding Danny Letsinger, Ava, which was adopted.

Senator Rowden offered Senate Resolution No. 834, regarding Mike Randerson, Columbia, which was adopted.

Senator Rowden offered Senate Resolution No. 835, regarding Mary Pat Abele, Boonville, which was adopted.

Senator Rowden offered Senate Resolution No. 836, regarding Larry Ray Long, Boonville, which was adopted.

Senator Rowden offered Senate Resolution No. 837, regarding Carole Harris, Columbia, which was adopted.

Senator Rowden offered Senate Resolution No. 838, regarding Barrett Glascock, Ashland, which was adopted.

Senator Hegeman offered Senate Resolution No. 839, regarding the Fiftieth Wedding Anniversary of Earl and Linda Lammers, Amazonia, which was adopted.

Senator Schupp offered Senate Resolution No. 840, regarding Howard Hoemann, Wildwood, which was adopted.

The Senate observed a moment of silence in memory of James Christopher Hobbs.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 397**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 53**, as amended, and grants the Senate a conference thereon.

### REFERRALS

President Pro Tem Schatz referred **HCS** for **HB 67**, with **SCS**; **HB 186**, with **SCS**; and **HB 646** to the Committee on Fiscal Oversight.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 53**, as amended: Senators Crawford, Sater, Hough, Sifton and Rizzo.

### PRIVILEGED MOTIONS

Senator Wallingford moved that **SB 134**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 134**, entitled:

#### HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 134

An Act to repeal sections 260.240 and 260.273, RSMo, and to enact in lieu thereof two new sections relating to solid waste.

Was taken up.

Senator Wallingford moved that **HCS** for **SB 134** be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Hegeman	Holsman	Hoskins	Hough	Libla	Luetkemeyer
May	O’Laughlin	Onder	Riddle	Rizzo	Romine	Rowden
Sater	Schatz	Sifton	Wallingford	Walsh	White	Wieland

Williams—29

#### NAYS—Senator Schupp—1

#### Absent—Senators

Eigel	Emery	Koenig	Nasheed—4
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Wallingford, **HCS for SB 134** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

## NAYS—Senator Schupp—1

## Absent—Senators

Emery                      Nasheed—2

## Absent with leave—Senators—None

## Vacancies—None

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

President Kehoe assumed the Chair.

Senator Cunningham moved that **SB 133**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS for SB 133**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 133

An Act to repeal sections 89.020, 195.740, 195.743, 195.746, 195.749, 195.752, 195.755, 195.756, 195.758, 195.764, 195.767, 195.770, 264.061, 266.031, 266.165, 266.190, 280.005, 280.010, 280.020, 280.030, 280.035, 280.037, 280.038, 280.040, 280.050, 280.060, 280.070, 280.080, 280.090, 280.095, 280.100, 280.110, 280.120, 280.130, 280.140, 281.035, 281.037, 281.038, 281.050, and 281.260, RSMo, and to enact in lieu thereof twenty-five new sections relating to agriculture, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Cunningham moved that **HCS for SB 133** be adopted.

At the request of Senator Cunningham, the above motion was withdrawn.

Senator Cunningham moved that the Senate refuse to concur in **HCS for SB 133**, and request the House

to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### SENATE BILLS FOR PERFECTION

Senator Curls moved that **SB 3** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Curls offered **SS** for **SB 3**, entitled:

#### SENATE SUBSTITUTE FOR SENATE BILL NO. 3

An Act to repeal sections 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, and 82.1031, RSMo, and to enact in lieu thereof five new sections relating to property regulations in certain cities and counties.

Senator Curls moved that **SS** for **SB 3** be adopted.

Senator Holsman offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 3, Page 8, Section 82.1025, Line 13 of said page, by inserting after all of said line the following:

“82.1026. The governing body of any home rule city with more than four hundred thousand inhabitants and located in more than one county may enact ordinances to provide for the [building official of the] city [or any authorized representative of the building official] to petition the circuit court in the county in which a vacant nuisance [building or structure] **property** is located for the appointment of a receiver to rehabilitate the building or structure, to demolish [it] **the building or structure**, or to sell [it] **the property** to a [qualified] buyer **who can demonstrate an ability to abate the nuisance and vacancy. The court shall maintain jurisdiction over the matter and the property until the city dismisses the case or the nuisance and vacancy is abated.**”; and

Further amend the title and enacting clause accordingly.

Senator Holsman moved that the above amendment be adopted, which motion prevailed.

Senator Rizzo offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 3, Page 3, Section 82.462, Line 22, by inserting after the word “inhabitants,” the following: “**in any home rule city with more than one hundred sixteen thousand but fewer than one hundred fifty-five thousand inhabitants,**”.

Senator Rizzo moved that the above amendment be adopted, which motion prevailed.

Senator Curls moved that **SS** for **SB 3**, as amended, be adopted, which motion prevailed.

On motion of Senator Curls, **SS** for **SB 3**, as amended, was declared perfected and ordered printed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 489**, entitled:



An Act to repeal sections 510.263, 510.265, 538.205, and 538.210, RSMo, and to enact in lieu thereof five new sections relating to punitive damages.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1049**, entitled:

An Act to repeal sections 454.600 and 454.603, RSMo, and to enact in lieu thereof two new sections relating to health benefit plans.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 368**.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, 7 and 8.

#### HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 368, Page 1, In the Title, Line 3, by deleting said line and inserting in lieu thereof the following:

“to transportation.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 368, Page 1, Section A, Line 2, by inserting after said section and line the following:

“194.225. 1. A donor may make an anatomical gift:

(1) By authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the **face of the donor’s driver’s license or identification card, or by placing a donor symbol sticker authorized and issued by the department of health and senior services on the back of the donor’s driver’s license or identification card indicating that the donor has made an anatomical gift;**

(2) In a will;

(3) During a terminal illness or injury of the donor, by any form of communication addressed to at least two adults at least one of whom is a disinterested witness; or

(4) As provided in subsection 2 of this section.

2. A donor or other person authorized to make an anatomical gift under section 194.220 may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by

another individual at the direction of the donor or the other person and shall:

(1) Be witnessed by at least two adults at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(2) State that it has been signed and witnessed as provided in subdivision (1) of subsection 1 of this section.

3. Revocation, suspension, expiration, or cancellation of the driver's license or identification card upon which an anatomical gift is indicated does not invalidate the gift.

4. An anatomical gift made by will takes effect upon the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

**5. The department of health and senior services shall include on its website information about organ donation and a link where persons making an anatomical gift can register. Once a person has registered as a donor on the website, the department of health and senior services shall contact the department of revenue to determine whether the organ donor symbol is printed on the front of the registrant's driver's license or identification card. If the donor symbol does not appear on the front of the registrant's driver's license or identification card, the department of health and senior services shall mail to the registrant, through first class mail, a donor symbol sticker to be placed on the back of his or her driver's license or identification card as provided under this section and section 302.171.**

**6. All state agencies and departments may provide a link on the homepage of their website directing the public to the organ donation information and registration link on the department of health and senior services website.”; and**

Further amend said bill, Page 8, Section 301.560, Line 255, by inserting after said section and line the following:

“302.171. 1. The director shall verify that an applicant for a driver's license is a Missouri resident or national of the United States or a noncitizen with a lawful immigration status, and a Missouri resident before accepting the application. The director shall not issue a driver's license for a period that exceeds the duration of an applicant's lawful immigration status in the United States. The director may establish procedures to verify the Missouri residency or United States naturalization or lawful immigration status and Missouri residency of the applicant and establish the duration of any driver's license issued under this section. An application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. A driver's license, nondriver's license, or instruction permit issued under this chapter shall contain the applicant's legal name as it appears on a birth certificate or as legally changed through marriage or court order. No name change by common usage based on common law shall be permitted. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to driving without a license, careless driving, or driving while

intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must comply with all requirements for the issuance of an intermediate driver's license pursuant to section 302.178. For persons mobilized and deployed with the United States Armed Forces, an application under this subsection shall be considered satisfactory by the department of revenue if it is signed by a person who holds general power of attorney executed by the person deployed, provided the applicant meets all other requirements set by the director.

2. An applicant for a license may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304 except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ and tissue donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection and whether the applicant is interested in inclusion in the organ donor registry and shall also specifically inform the licensee of the ability to consent to organ donation by [completing the form on the reverse of the license that the applicant will receive in the manner] **placing a donor symbol sticker authorized and issued by the department of health and senior services on the back of his or her driver's license or identification card as** prescribed by subdivision (1) of subsection 1 of section 194.225. A symbol [shall] **may** be placed on the front of the [document] **license or identification card** indicating the applicant's desire to be listed in the registry **at the applicant's request at the time of his or her application for a driver's license or identification card, or the applicant may instead request an organ donor sticker from the department of health and senior services by application on the department of health and senior services's website. Upon receipt of an organ donor sticker sent by the department of health and senior services, the applicant shall place the sticker on the back of his or her driver's license or identification card to indicate that he or she has made an anatomical gift.** The director shall notify the department of health and senior services of information obtained from applicants who indicate to the director that they are interested in registry participation, and the department of health and senior services shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304.

3. An applicant for a license may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 209.015. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 209.015; except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection

is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who commits fraud or deception during the examination process or who makes application for an instruction permit, driver's license, or nondriver's license which contains or is substantiated with false or fraudulent information or documentation, or who knowingly conceals a material fact or otherwise commits a fraud in any such application. The period of denial shall be one year from the effective date of the denial notice sent by the director. The denial shall become effective ten days after the date the denial notice is mailed to the person. The notice shall be mailed to the person at the last known address shown on the person's driving record. The notice shall be deemed received three days after mailing unless returned by the postal authorities. No such individual shall reapply for a driver's examination, instruction permit, driver's license, or nondriver's license until the period of denial is completed. No individual who is denied the driving privilege under this section shall be eligible for a limited driving privilege issued under section 302.309.

5. All appeals of denials under this section shall be made as required by section 302.311.

6. The period of limitation for criminal prosecution under this section shall be extended under subdivision (1) of subsection 3 of section 556.036.

7. The director may promulgate rules and regulations necessary to administer and enforce this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

8. Notwithstanding any provision of this chapter that requires an applicant to provide proof of Missouri residency for renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who was previously issued a Missouri noncommercial driver's license, noncommercial instruction permit, or Missouri nondriver's license is exempt from showing proof of Missouri residency.

9. Notwithstanding any provision of this chapter, for the renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, a photocopy of an applicant's United States birth certificate along with another form of identification approved by the department of revenue, including, but not limited to, United States military identification or United States military discharge papers, shall constitute sufficient proof of Missouri citizenship.

10. Notwithstanding any other provision of this chapter, if an applicant does not meet the requirements of subsection 8 of this section and does not have the required documents to prove Missouri residency, United States naturalization, or lawful immigration status, the department may issue a one-year driver's license renewal. This one-time renewal shall only be issued to an applicant who previously has held a Missouri noncommercial driver's license, noncommercial instruction permit, or nondriver's license for a period of fifteen years or more and who does not have the required documents to prove Missouri residency, United States naturalization, or lawful immigration status. After the expiration of the one-year period, no further renewal shall be provided without the applicant producing proof of Missouri residency, United States naturalization, or lawful immigration status.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

## HOUSE AMENDMENT NO. 3

Amend Senate Bill No. 368, Page 1, Section A, Line 2, by inserting after said section and line the following:

“144.070. 1. At the time the owner of any new or used motor vehicle, trailer, boat, or outboard motor which was acquired in a transaction subject to sales tax under the Missouri sales tax law makes application to the director of revenue for an official certificate of title and the registration of the motor vehicle, trailer, boat, or outboard motor as otherwise provided by law, the owner shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price exclusive of any charge incident to the extension of credit paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its acquisition, the applicant shall pay or cause to be paid to the director of revenue the sales tax provided by the Missouri sales tax law in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a certificate of title for any new or used motor vehicle, trailer, boat, or outboard motor subject to sales tax as provided in the Missouri sales tax law until the tax levied for the sale of the same under sections 144.010 to 144.510 has been paid as provided in this section or is registered under the provisions of subsection 5 of this section.

2. As used in subsection 1 of this section, the term “purchase price” shall mean the total amount of the contract price agreed upon between the seller and the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, regardless of the medium of payment therefor.

3. In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisalment by the director.

4. The director of the department of revenue shall endorse upon the official certificate of title issued by the director upon such application an entry showing that such sales tax has been paid or that the motor vehicle, trailer, boat, or outboard motor represented by such certificate is exempt from sales tax and state the ground for such exemption.

5. Any person, company, or corporation engaged in the business of renting or leasing motor vehicles, trailers, boats, or outboard motors, which are to be used exclusively for rental or lease purposes, and not for resale, may apply to the director of revenue for authority to operate as a leasing **or rental company and pay an annual fee of two hundred fifty dollars for such authority**. Any company approved by the director of revenue may pay the tax due on any motor vehicle, trailer, boat, or outboard motor as required in section 144.020 at the time of registration thereof or in lieu thereof may pay a sales tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A sales tax shall be charged to and paid by a leasing company which does not exercise the option of paying in accordance with section 144.020, on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in this state. Any motor vehicle, trailer, boat, or outboard motor which is leased as the result of a contract executed in this state shall be presumed to be domiciled in this state.

6. Every applicant to be a lease or rental company shall furnish with the application a corporate surety bond or irrevocable letter of credit, as defined in section 400.5-102, issued by any state or federal financial institution in the penal sum of one hundred thousand dollars, on a form approved by the department. The bond or irrevocable letter of credit shall be conditioned upon the lease or rental company complying with the provisions of any statutes applicable to lease or rental companies, and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded

**when such acts constitute grounds for the suspension or revocation of the lease or rental license. The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary; except that, the aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party.**

7. Any corporation may have one or more of its divisions separately apply to the director of revenue for authorization to operate as a leasing company, provided that the corporation:

(1) Has filed a written consent with the director authorizing any of its divisions to apply for such authority;

(2) Is authorized to do business in Missouri;

(3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or outboard motor from one of its divisions to another of its divisions as a sale at retail;

(4) Has registered under the fictitious name provisions of sections 417.200 to 417.230 each of its divisions doing business in Missouri as a leasing company; and

(5) Operates each of its divisions on a basis separate from each of its other divisions. However, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to sections 301.550 to 301.573 the provisions in subdivision (3) of this subsection shall not apply.

[7.] 8. If the owner of any motor vehicle, trailer, boat, or outboard motor desires to charge and collect sales tax as provided in this section, the owner shall make application to the director of revenue for a permit to operate as a motor vehicle, trailer, boat, or outboard motor leasing company. The director of revenue shall promulgate rules and regulations determining the qualifications of such a company, and the method of collection and reporting of sales tax charged and collected. Such regulations shall apply only to owners of motor vehicles, trailers, boats, or outboard motors, electing to qualify as motor vehicle, trailer, boat, or outboard motor leasing companies under the provisions of subsection 5 of this section, and no motor vehicle renting or leasing, trailer renting or leasing, or boat or outboard motor renting or leasing company can come under sections 144.010, 144.020, 144.070 and 144.440 unless all motor vehicles, trailers, boats, and outboard motors held for renting and leasing are included.

**9. Any person, company, or corporation engaged in the business of renting or leasing three thousand five hundred or more motor vehicles which are to be used exclusively for rental or leasing purposes and not for resale, and that has applied to the director of revenue for authority to operate as a leasing company may also operate as a registered fleet owner as prescribed in section 301.032.**

[8.] 10. Beginning July 1, 2010, any motor vehicle dealer licensed under section 301.560 engaged in the business of selling motor vehicles or trailers may apply to the director of revenue for authority to collect and remit the sales tax required under this section on all motor vehicles sold by the motor vehicle dealer. A motor vehicle dealer receiving authority to collect and remit the tax is subject to all provisions under sections 144.010 to 144.525. Any motor vehicle dealer authorized to collect and remit sales taxes on motor vehicles under this subsection shall be entitled to deduct and retain an amount equal to two percent of the motor vehicle sales tax pursuant to section 144.140. Any amount of the tax collected under this subsection

that is retained by a motor vehicle dealer pursuant to section 144.140 shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers for their role in collecting and remitting sales taxes on motor vehicles. In the event this subsection or any portion thereof is held to violate Article IV, Section 30(b) of the Missouri Constitution, no motor vehicle dealer shall be authorized to collect and remit sales taxes on motor vehicles under this section. No motor vehicle dealer shall seek compensation from the state of Missouri or its agencies if a court of competent jurisdiction declares that the retention of two percent of the motor vehicle sales tax is unconstitutional and orders the return of such revenues.

301.032. 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the contrary, the director of revenue shall establish a system of registration of all fleet vehicles owned or purchased by a fleet owner registered pursuant to this section. The director of revenue shall prescribe the forms for such fleet registration and the forms and procedures for the registration updates prescribed in this section. Any owner of ten or more motor vehicles which must be registered in accordance with this chapter may register as a fleet owner. All registered fleet owners may, at their option, register all motor vehicles included in the fleet on a calendar year or biennial basis pursuant to this section in lieu of the registration periods provided in sections 301.030, 301.035, and 301.147. The director shall issue an identification number to each registered owner of fleet vehicles.

2. All fleet vehicles included in the fleet of a registered fleet owner shall be registered during April of the corresponding year or on a prorated basis as provided in subsection 3 of this section. Fees of all vehicles in the fleet to be registered on a calendar year basis or on a biennial basis shall be payable not later than the last day of April of the corresponding year, with two years' fees due for biennially-registered vehicles. Notwithstanding the provisions of section 307.355, an application for registration of a fleet vehicle must be accompanied by a certificate of inspection and approval issued no more than one hundred twenty days prior to the date of application. The fees for vehicles added to the fleet which must be licensed at the time of registration shall be payable at the time of registration, except that when such vehicle is licensed between July first and September thirtieth the fee shall be three-fourths the annual fee, when licensed between October first and December thirty-first the fee shall be one-half the annual fee and when licensed on or after January first the fee shall be one-fourth the annual fee. When biennial registration is sought for vehicles added to a fleet, an additional year's annual fee will be added to the partial year's prorated fee.

3. At any time during the calendar year in which an owner of a fleet purchases or otherwise acquires a vehicle which is to be added to the fleet or transfers plates to a fleet vehicle, the owner shall present to the director of revenue the identification number as a fleet number and may register the vehicle for the partial year as provided in subsection 2 of this section. The fleet owner shall also be charged a transfer fee of two dollars for each vehicle so transferred pursuant to this subsection.

4. Except as specifically provided in this subsection, all fleet vehicles registered pursuant to this section shall be issued a special license plate which shall have the words "Fleet Vehicle" in place of the words "Show-Me State" in the manner prescribed by the advisory committee established in section 301.129. Alternatively, for a one-time additional five dollar per-vehicle fee beyond the regular registration fee, a fleet owner of at least fifty fleet vehicles may apply for fleet license plates bearing a company name or logo, the size and design thereof subject to approval by the director. All fleet license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Fleet vehicles shall be issued multiyear license plates as provided in this section which shall not require issuance of a renewal tab. Upon payment of

appropriate registration fees, the director of revenue shall issue a registration certificate or other suitable evidence of payment of the annual or biennial fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued. [The director of revenue shall promulgate rules and regulations establishing the procedure for application and issuance of fleet vehicle license plates.]

5. Notwithstanding the provisions of sections 307.350 to 307.390 to the contrary, a fleet vehicle registered in Missouri is exempt from the requirements of sections 307.350 to 307.390 if at the time of the annual fleet registration, such fleet vehicle is situated outside the state of Missouri.

**6. Notwithstanding any other provisions of law to the contrary, any person, company, or corporation engaged in the business of renting or leasing three thousand five hundred or more motor vehicles which are to be used exclusively for rental or leasing purposes and not for resale, that has applied to the director of revenue for authority to operate as a lease or rental company as prescribed in section 144.070 may operate as a registered fleet owner as prescribed in the provisions of this subsection to subsection 10 of this section.**

**(1) The director of revenue may issue license plates after presentment of an application, as designed by the director, and payment of an annual fee of three hundred sixty dollars for the first ten plates and thirty-six dollars for each additional plate. The payment and issuance of such plates shall be in lieu of registering each motor vehicle with the director as otherwise provided by law.**

**(2) Such motor vehicles within the fleet shall not be exempted from the safety inspection and emissions inspection provisions as prescribed in chapters 307 and 643, but notwithstanding the provisions of section 307.355, such inspections shall not be required to be presented to the director of revenue.**

**7. A recipient of a lease or rental company license issued by the director of revenue as prescribed in section 144.070 operating as a registered fleet owner under this section shall register such fleet with the director of revenue on an annual or biennial basis in lieu of the individual motor vehicle registration periods as prescribed in sections 301.030, 301.035, and 301.147. If an applicant elects a biennial fleet registration, the annual fleet license plate fees prescribed in subdivision (1) of subsection 6 of this section shall be doubled. An agent fee as prescribed in subdivision (1) of subsection 1 of section 136.055 shall apply to the issuance of fleet registrations issued under subsections 6 to 10 of this section, and if a biennial fleet registration is elected, the agent fee shall be collected in an amount equal to the fee for two years.**

**8. Prior to the issuance of fleet license plates under subsections 6 to 10 of this section, the applicant shall provide proof of insurance as required under section 303.024 or 303.026.**

**9. The authority of a recipient of a lease or rental company license issued by the director of revenue as prescribed in section 144.070 to operate as a fleet owner as provided in this section shall expire on January 1 of the licensure period.**

**10. A lease or rental company operating fleet license plates issued under subsections 6 to 10 of this section shall make available, upon request, to the director of revenue and all Missouri law enforcement agencies any corresponding vehicle and registration information that may be requested as prescribed by rule.**

**11. The director shall make all necessary rules and regulations for the administration of this section and shall design all necessary forms required by this section. Any rule or portion of a rule, as**



that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend Senate Bill No. 368, Page 8, Section 301.560, Line 255, by inserting after said section and line the following:

“307.015. 1. Trucks, semitrailers, and trailers, except utility trailers, without rear fenders, attached to a commercial motor vehicle registered for over twenty-four thousand pounds shall be equipped with mud flaps for the rear wheels when operated on the public highways of this state. If mud flaps are used, they shall be wide enough to cover the full tread width of the tire or tires being protected; shall be so installed that they extend from the underside of the vehicle body in a vertical plane behind the rear wheels to within **twelve inches of the ground for dump trucks and within** eight inches of the ground **for all other vehicles required to be equipped with mud flaps under this section**; and shall be constructed of a rigid material or a flexible material which is of a sufficiently rigid character to provide adequate protection when the vehicle is in motion. No provisions of this section shall apply to a motor vehicle in transit and in process of delivery equipped with temporary mud flaps, to farm implements, or to any vehicle which is not required to be registered.

2. For purposes of this section, “dump truck” means a truck whose contents can be emptied without handling, where the front end of the platform can be hydraulically raised so that the load is discharged by gravity.

3. Any person who violates this section is guilty of an infraction and, upon plea or finding of guilt, shall be punished as provided by law.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend Senate Bill No. 368, Page 8, Section 301.560, Line 255, by inserting after said section and line the following:

“301.3139. 1. Any Boy Scout of appropriate age as prescribed by law or parent of a Boy Scout may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Boy Scouts of America Council of which the person is a member or the parent of a member. The Boy Scouts of America hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Boy Scouts of America derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Boy Scouts of America. Any Boy Scout or parent of a Boy Scout may annually apply for the use of the emblem and pay the twenty-five dollar emblem-use authorization fee at any local district council in the state.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Boy Scouts of America, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Boy Scouts of America and the words “BOY SCOUTS OF AMERICA” in place of the words “SHOW-ME STATE”. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. [Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.] **Notwithstanding subdivision (2) of subsection 1 of section 301.3150, the Boy Scouts of America shall not be required to submit a list of applicants who plan to purchase the specialty plate established under this section.**

3. A vehicle owner, who was previously issued a plate with the Boy Scouts of America emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Boy Scouts of America emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

301.3148. 1. Any member of Missouri DeMolay may receive special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to Missouri DeMolay. Missouri DeMolay hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section **for any vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight.** Any contribution to Missouri DeMolay derived from this section, except reasonable administrative costs, shall be used solely for Missouri DeMolay scholarships and other charitable programs. Any member of Missouri DeMolay may annually apply to Missouri DeMolay for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Missouri DeMolay, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the member to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the emblem of the Missouri DeMolay, to the vehicle owner.

3. The license plate authorized by this section shall be [in a form prescribed by the advisory committee established in section 301.129, except that such license plates shall be] **of a design submitted by Missouri**

**DeMolay and approved by the department, shall be** made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. The bidding process used to select a vendor for the material to manufacture the license plates authorized by this section shall consider the aesthetic appearance of the plate.

4. A vehicle owner, who was previously issued a plate with the Missouri DeMolay emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri DeMolay emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

**5. Prior to the issuance of a “Missouri DeMolay” specialty plate authorized under this section, the department of revenue shall be in receipt of an application with the proposed art design for the specialty license plate. The manufacture and transfer of specialty license plates under this section shall not require any submission of signatures. The department may require payment of a five thousand dollar fee prior to production of the specialty license plates and may charge the fifteen dollar specialty plate fee per application and other required documents or fees for such plates.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend Senate Bill No. 368, Page 8, Section 301.560, Line 255, by inserting after said section and line the following:

“302.170. 1. As used in this section, the following terms shall mean:

(1) “Biometric data”, shall include, but not be limited to, the following:

(a) Facial feature pattern characteristics;

(b) Voice data used for comparing live speech with a previously created speech model of a person’s voice;

(c) Iris recognition data containing color or texture patterns or codes;

(d) Retinal scans, reading through the pupil to measure blood vessels lining the retina;

(e) Fingerprint, palm prints, hand geometry, measure of any and all characteristics of biometric information, including shape and length of fingertips, or recording ridge pattern or fingertip characteristics;

(f) Eye spacing;

(g) Characteristic gait or walk;

(h) DNA;

(i) Keystroke dynamic, measuring pressure applied to key pads or other digital receiving devices;

(2) “Commercial purposes”, shall not include data used or compiled solely to be used for, or obtained or compiled solely for purposes expressly allowed under Missouri law or the federal Drivers Privacy Protection Act;

(3) “Source documents”, original or certified copies, where applicable, of documents presented by an applicant as required under 6 CFR Part 37 to the department of revenue to apply for a driver’s license or

nondriver's license. Source documents shall also include any documents required for the issuance of driver's licenses or nondriver's licenses by the department of revenue under the provisions of this chapter or accompanying regulations.

2. Except as provided in subsection 3 of this section and as required to carry out the provisions of subsection 4 of this section, the department of revenue shall not retain copies, in any format, of source documents presented by individuals applying for or holding driver's licenses or nondriver's licenses or use technology to capture digital images of source documents so that the images are capable of being retained in electronic storage in a transferable format. Documents retained as provided or required by subsection 4 of this section shall be stored solely on a system not connected to the internet nor to a wide area network that connects to the internet. Once stored on such system, the documents and data shall be purged from any systems on which they were previously stored so as to make them irretrievable.

3. The provisions of this section shall not apply to:

(1) Original application forms, which may be retained but not scanned except as provided in this section;

(2) Test score documents issued by state highway patrol driver examiners **and Missouri commercial third-party tester examiners**;

(3) Documents demonstrating lawful presence of any applicant who is not a citizen of the United States, including documents demonstrating duration of the person's lawful presence in the United States;

(4) Any document required to be retained under federal motor carrier regulations in Title 49, Code of Federal Regulations, including but not limited to documents required by federal law for the issuance of a commercial driver's license and a commercial driver instruction permit;

(5) Documents submitted by a commercial driver's license **or commercial driver's instruction permit** applicant who is a Missouri resident and is [active duty military or a veteran, as "veteran" is defined in 38 U.S.C. Section 101] **a qualified current or former military service member**, which allows for waiver of the commercial driver's license knowledge test, skills test, or both; and

(6) Any other document at the request of and for the convenience of the applicant where the applicant requests the department of revenue review alternative documents as proof required for issuance of a driver's license, nondriver's license, or instruction permit.

4. (1) To the extent not prohibited under subsection 13 of this section, the department of revenue shall amend procedures for applying for a driver's license or identification card in order to comply with the goals or standards of the federal REAL ID Act of 2005, any rules or regulations promulgated under the authority granted in such Act, or any requirements adopted by the American Association of Motor Vehicle Administrators for furtherance of the Act, unless such action conflicts with Missouri law.

(2) The department of revenue shall issue driver's licenses or identification cards that are compliant with the federal REAL ID Act of 2005, as amended, to all applicants for driver's licenses or identification cards unless an applicant requests a driver's license or identification card that is not REAL ID compliant. Except as provided in subsection 3 of this section and as required to carry out the provisions of this subsection, the department of revenue shall not retain the source documents of individuals applying for driver's licenses or identification cards not compliant with REAL ID. Upon initial application for a driver's license or identification card, the department shall inform applicants of the option of being issued a REAL ID compliant driver's license or identification card or a driver's license or identification card that is not

compliant with REAL ID. The department shall inform all applicants:

(a) With regard to the REAL ID compliant driver's license or identification card:

a. Such card is valid for official state purposes and for official federal purposes as outlined in the federal REAL ID Act of 2005, as amended, such as domestic air travel and seeking access to military bases and most federal facilities;

b. Electronic copies of source documents will be retained by the department and destroyed after the minimum time required for digital retention by the federal REAL ID Act of 2005, as amended;

c. The facial image capture will only be retained by the department if the application is finished and submitted to the department; and

d. Any other information the department deems necessary to inform the applicant about the REAL ID compliant driver's license or identification card under the federal REAL ID Act;

(b) With regard to a driver's license or identification card that is not compliant with the federal REAL ID Act:

a. Such card is valid for official state purposes, but it is not valid for official federal purposes as outlined in the federal REAL ID Act of 2005, as amended, such as domestic air travel and seeking access to military bases and most federal facilities;

b. Source documents will be verified but no copies of such documents will be retained by the department unless permitted under subsection 3 of this section, except as necessary to process a request by a license or card holder or applicant;

c. Any other information the department deems necessary to inform the applicant about the driver's license or identification card.

5. The department of revenue shall not use, collect, obtain, share, or retain biometric data nor shall the department use biometric technology to produce a driver's license or nondriver's license or to uniquely identify licensees or license applicants. This subsection shall not apply to digital images nor licensee signatures required for the issuance of driver's licenses and nondriver's licenses or to biometric data collected from employees of the department of revenue, employees of the office of administration who provide information technology support to the department of revenue, contracted license offices, and contracted manufacturers engaged in the production, processing, or manufacture of driver's licenses or identification cards in positions which require a background check in order to be compliant with the federal REAL ID Act or any rules or regulations promulgated under the authority of such Act. Except as otherwise provided by law, applicants' source documents and Social Security numbers shall not be stored in any database accessible by any other state or the federal government. Such database shall contain only the data fields included on driver's licenses and nondriver identification cards compliant with the federal REAL ID Act, and the driving records of the individuals holding such driver's licenses and nondriver identification cards.

6. Notwithstanding any provision of this chapter that requires an applicant to provide reasonable proof of lawful presence for issuance or renewal of a noncommercial driver's license, noncommercial instruction permit, or a nondriver's license, an applicant shall not have his or her privacy rights violated in order to obtain or renew a Missouri noncommercial driver's license, noncommercial instruction permit, or a nondriver's license.

7. No citizen of this state shall have his or her privacy compromised by the state or agents of the state. The state shall within reason protect the sovereignty of the citizens the state is entrusted to protect. Any data derived from a person's application shall not be sold for commercial purposes to any other organization or any other state without the express permission of the applicant without a court order; except such information may be shared with a law enforcement agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited purposes set out in section 302.600, or for the purposes set forth in section 32.091, or for conducting driver history checks in compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. Section 31309. The state of Missouri shall protect the privacy of its citizens when handling any written, digital, or electronic data, and shall not participate in any standardized identification system using driver's and nondriver's license records except as provided in this section.

8. Other than to process a request by a license or card holder or applicant, no person shall access, distribute, or allow access to or distribution of any written, digital, or electronic data collected or retained under this section without the express permission of the applicant or a court order, except that such information may be shared with a law enforcement agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited purposes set out in section 302.600 or for conducting driver history checks in compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. Section 31309. A first violation of this subsection shall be a class A misdemeanor. A second violation of this subsection shall be a class E felony. A third or subsequent violation of this subsection shall be a class D felony.

9. Any person harmed or damaged by any violation of this section may bring a civil action for damages, including noneconomic and punitive damages, as well as injunctive relief, in the circuit court where that person resided at the time of the violation or in the circuit court of Cole County to recover such damages from the department of revenue and any persons participating in such violation. Sovereign immunity shall not be available as a defense for the department of revenue in such an action. In the event the plaintiff prevails on any count of his or her claim, the plaintiff shall be entitled to recover reasonable attorney fees from the defendants.

10. The department of revenue may promulgate rules necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void.

11. Biometric data, digital images, source documents, and licensee signatures, or any copies of the same, required to be collected or retained to comply with the requirements of the federal REAL ID Act of 2005 shall be digitally retained for no longer than the minimum duration required to maintain compliance, and immediately thereafter shall be securely destroyed so as to make them irretrievable.

12. No agency, department, or official of this state or of any political subdivision thereof shall use, collect, obtain, share, or retain radio frequency identification data from a REAL ID compliant driver's license or identification card issued by a state, nor use the same to uniquely identify any individual.

13. Notwithstanding any provision of law to the contrary, the department of revenue shall not amend procedures for applying for a driver's license or identification card, nor promulgate any rule or regulation, for purposes of complying with modifications made to the federal REAL ID Act of 2005 after August 28,

2017, imposing additional requirements on applications, document retention, or issuance of compliant licenses or cards, including any rules or regulations promulgated under the authority granted under the federal REAL ID Act of 2005, as amended, or any requirements adopted by the American Association of Motor Vehicle Administrators for furtherance thereof.

14. If the federal REAL ID Act of 2005 is modified or repealed such that driver's licenses and identification cards issued by this state that are not compliant with the federal REAL ID Act of 2005 are once again sufficient for federal identification purposes, the department shall not issue a driver's license or identification card that complies with the federal REAL ID Act of 2005 and shall securely destroy, within thirty days, any source documents retained by the department for the purpose of compliance with such Act.

15. The provisions of this section shall expire five years after August 28, 2017.

302.720. 1. Except when operating under an instruction permit as described in this section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. No person may be issued a commercial driver's instruction permit until he or she has passed written tests which comply with the minimum federal standards. A commercial driver's instruction permit shall be **nonrenewable and** valid for the vehicle being operated for a period of not more than [six months] **one year**, and shall not be issued until the permit holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. [A permit holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year period.] The fee for such permit or renewal shall be [five] **ten** dollars. [In the alternative, a commercial driver's instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's license to operate a commercial motor vehicle if the applicant has completed all other requirements except the driving test. The permit may be renewed for one additional thirty-day period and the fee for the permit and for renewal shall be five dollars.] **The fee for a duplicate commercial driver's instruction permit shall be five dollars.**

2. No person may be issued a commercial driver's license until he has passed written and driving tests for the operation of a commercial motor vehicle which complies with the minimum federal standards established by the Secretary and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements imposed by state law. **Beginning January 1, 2020, all applicants for a commercial driver's license shall complete any entry-level driver training program established and required under 49 CFR 380.609.** All applicants for a commercial driver's license shall have maintained the appropriate class of commercial driver's instruction permit issued by this state or any other state for a minimum of fourteen calendar days prior to the date of taking the skills test. Applicants for a hazardous materials endorsement must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Nothing contained in this subsection shall be construed as prohibiting the director from establishing alternate testing formats for those who are functionally illiterate; provided, however, that any such alternate test must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by the Secretary.

(1) The written and driving tests shall be held at such times and in such places as the superintendent may designate. A twenty-five dollar examination fee shall be paid by the applicant upon completion of any written or driving test, except the examination fee shall be waived for applicants seventy years of age or older renewing a license with a school bus endorsement. The director shall delegate the power to conduct the examinations required under sections 302.700 to 302.780 to any member of the highway patrol or any person employed by the highway patrol qualified to give driving examinations. The written test shall only be administered in the English language. No translators shall be allowed for applicants taking the test.

(2) The director shall adopt and promulgate rules and regulations governing the certification of third-party testers by the department of revenue. Such rules and regulations shall substantially comply with the requirements of 49 CFR 383, Section 383.75. A certification to conduct third-party testing shall be valid for one year, and the department shall charge a fee of one hundred dollars to issue or renew the certification of any third-party tester.

(3) Beginning August 28, 2006, the director shall only issue or renew third-party tester certification to community colleges established under chapter 178 or to private companies who own, lease, or maintain their own fleet and administer in-house testing to their employees, or to school districts and their agents that administer in-house testing to the school district's or agent's employees. Any third-party tester who violates any of the rules and regulations adopted and promulgated pursuant to this section shall be subject to having his certification revoked by the department. The department shall provide written notice and an opportunity for the third-party tester to be heard in substantially the same manner as provided in chapter 536. If any applicant submits evidence that he has successfully completed a test administered by a third-party tester, the actual driving test for a commercial driver's license may then be waived.

(4) Every applicant for renewal of a commercial driver's license shall provide such certifications and information as required by the Secretary and if such person transports a hazardous material must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Such person shall be required to take the written test for such endorsement. A twenty-five dollar examination fee shall be paid upon completion of such tests.

(5) The director shall have the authority to waive the driving skills test **and written tests** for any qualified **current or former military service member** applicant for a commercial driver's **instruction permit or a commercial driver's** license who is currently licensed at the time of application for a commercial driver's **instruction permit or** license. The director shall impose conditions and limitations **and require certification and evidence** to restrict the applicants from whom the department may accept the alternative requirements for the skills [test] **and written tests** described in federal [regulation] **regulations 49 CFR 383.71 and 49 CFR 383.77.** [An applicant must certify that, during the two-year period immediately preceding application for a commercial driver's license, all of the following apply:

(a) The applicant has not had more than one license;

(b) The applicant has not had any license suspended, revoked, or cancelled;

(c) The applicant has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in this chapter or federal rule 49 CFR 383.51(b);

(d) The applicant has not had more than one conviction for any type of motor vehicle for serious traffic violations;

(e) The applicant has not had any conviction for a violation of state or local law relating to motor vehicle



traffic control, but not including any parking violation, arising in connection with any traffic accident, and has no record of an accident in which he or she was at fault;

(f) The applicant has been regularly employed within the last ninety days in a military position requiring operation of a commercial motor vehicle and has operated the vehicle for at least sixty days during the two years immediately preceding application for a commercial driver's license. The vehicle must be representative of the commercial motor vehicle the driver applicant operates or expects to operate;

(g) The applicant, if on active duty, must provide a notarized affidavit signed by a commanding officer as proof of driving experience as indicated in paragraph (f) of this subdivision;

(h) The applicant, if honorably discharged from military service, must provide a form-DD214 or other proof of military occupational specialty;

(i)] The applicant must meet all federal and state qualifications to operate a commercial vehicle[;], and

[(j)] the applicant will be required to complete all applicable knowledge tests, **except when an applicant provides proof of approved military training for waiving the knowledge and skills tests as specified in subdivision (5) of subsection 2 of this section.**

3. A commercial driver's license or commercial driver's instruction permit may not be issued to a person while the person is disqualified from driving a commercial motor vehicle, when a disqualification is pending in any state or while the person's driver's license is suspended, revoked, or cancelled in any state; nor may a commercial driver's license be issued unless the person first surrenders in a manner prescribed by the director any commercial driver's license issued by another state, which license shall be returned to the issuing state for cancellation.

4. Beginning July 1, 2005, the director shall not issue an instruction permit under this section unless the director verifies that the applicant is lawfully present in the United States before accepting the application. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant under this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

5. Notwithstanding the provisions of this section or any other law to the contrary, beginning August 28, 2008, the director of the department of revenue shall certify as a third-party tester any municipality that owns, leases, or maintains its own fleet that requires certain employees as a condition of employment to hold a valid commercial driver's license; and that administered in-house testing to such employees prior to August 28, 2006.

302.768. 1. Any applicant for a commercial driver's license or commercial driver's instruction permit shall comply with the Federal Motor Carrier Safety Administration application requirements of 49 CFR Part 383.71 by certifying to one of the following applicable statements relating to federal and state driver qualification rules:

(1) Nonexcepted interstate: certifies the applicant is a driver operating or expecting to operate in interstate or foreign commerce, or is otherwise subject to and meets requirements of 49 CFR Part 391 and is required to obtain a medical examiner's certificate as defined in 49 CFR Part 391.45;

(2) Excepted interstate: certifies the applicant is a driver operating or expecting to operate entirely in interstate commerce that is not subject to Part 391 and is subject to Missouri driver qualifications and not required to obtain a medical examiner's certificate;

(3) Nonexcepted intrastate: certifies the applicant is a driver operating only in intrastate commerce and is subject to Missouri driver qualifications;

(4) Excepted intrastate: certifies the applicant operates or expects to operate only in intrastate commerce, and engaging only in operations excepted from all parts of the Missouri driver qualification requirements.

2. Any applicant who cannot meet certification requirements under one of the categories defined in subsection 1 of this section shall be denied issuance of a commercial driver's license or commercial driver's instruction permit.

3. An applicant certifying to operation in nonexcepted interstate or nonexcepted intrastate commerce shall provide the state with an original or copy of a current medical examiner's certificate or a medical examiner's certificate accompanied by a medical variance or waiver, **until such time as the medical examiner's certificate information is received electronically through the Federal Motor Carrier Safety Administration approved verification system.** The state shall retain the [original or copy of the] documentation of physical qualification for a minimum of three years beyond the date the certificate was issued.

4. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted intrastate commerce shall provide [an] updated medical certificate or variance [documents] **information** to maintain a certified status during the term of the commercial driver's license or commercial driver's instruction permit in order to retain commercial privileges.

5. The director shall post the medical examiner's certificate of information, medical variance if applicable, the applicant's self-certification and certification status to the Missouri driver record within ten calendar days and such information will become part of the CDLIS driver record.

6. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted intrastate commerce who fail to provide or maintain a current medical examiner's certificate, or if the state has received notice of a medical variance or waiver expiring or being rescinded, the state shall, within ten calendar days, update the driver's medical certification status to "not certified". The state shall notify the driver of the change in certification status and require the driver to annually comply with requirements for a commercial driver's license downgrade within sixty days of the expiration of the applicant certification.

7. The department of revenue may, by rule, establish the cost and criteria for submission of updated medical certification status information as required under this section.

8. Any person who falsifies any information in an application for or update of medical certification status information for a commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the person's commercial driver's license shall be cancelled for a period of one year after the director discovers such falsification.

9. The director may promulgate rules and regulations necessary to administer and enforce this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend Senate Bill No. 368, Page 1, Section A, Line 2, by inserting after said section and line the following:

“301.142. 1. As used in sections 301.141 to 301.143, the following terms mean:

(1) “Department”, the department of revenue;

(2) “Director”, the director of the department of revenue;

(3) “Other authorized health care practitioner” includes advanced practice registered nurses licensed pursuant to chapter 335, physician assistants licensed pursuant to chapter 334, chiropractors licensed pursuant to chapter 331, podiatrists licensed pursuant to chapter 330, assistant physicians, physical therapists licensed pursuant to chapter 334, and optometrists licensed pursuant to chapter 336;

(4) “Physically disabled”, a natural person who is blind, as defined in section 8.700, or a natural person with medical disabilities which prohibits, limits, or severely impairs one’s ability to ambulate or walk, as determined by a licensed physician or other authorized health care practitioner as follows:

(a) The person cannot ambulate or walk fifty or less feet without stopping to rest due to a severe and disabling arthritic, neurological, orthopedic condition, or other severe and disabling condition; or

(b) The person cannot ambulate or walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or

(c) Is restricted by a respiratory or other disease to such an extent that the person’s forced respiratory expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or

(d) Uses portable oxygen; or

(e) Has a cardiac condition to the extent that the person’s functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or

(f) A person’s age, in and of itself, shall not be a factor in determining whether such person is physically disabled or is otherwise entitled to disabled license plates and/or disabled windshield hanging placards within the meaning of sections 301.141 to 301.143;

(5) “Physician”, a person licensed to practice medicine pursuant to chapter 334;

(6) “Physician’s statement”, a statement personally signed by a duly authorized person which certifies that a person is disabled as defined in this section;

(7) “Temporarily disabled person”, a disabled person as defined in this section whose disability or incapacity is expected to last no more than one hundred eighty days;

(8) “Temporary windshield placard”, a placard to be issued to persons who are temporarily disabled persons as defined in this section, certification of which shall be indicated on the physician’s statement;

(9) “Windshield placard”, a placard to be issued to persons who are physically disabled as defined in this section, certification of which shall be indicated on the physician’s statement.

2. Other authorized health care practitioners may furnish to a disabled or temporarily disabled person a physician’s statement for only those physical health care conditions for which such health care practitioner

is legally authorized to diagnose and treat.

3. A physician's statement shall:

- (1) Be on a form prescribed by the director of revenue;
- (2) Set forth the specific diagnosis and medical condition which renders the person physically disabled or temporarily disabled as defined in this section;
- (3) Include the physician's or other authorized health care practitioner's license number; and
- (4) Be personally signed by the issuing physician or other authorized health care practitioner.

4. If it is the professional opinion of the physician or other authorized health care practitioner issuing the statement that the physical disability of the applicant, user, or member of the applicant's household is permanent, it shall be noted on the statement. Otherwise, the physician or other authorized health care practitioner shall note on the statement the anticipated length of the disability which period may not exceed one hundred eighty days. If the physician or health care practitioner fails to record an expiration date on the physician's statement, the director shall issue a temporary windshield placard for a period of thirty days.

5. A physician or other authorized health care practitioner who issues or signs a physician's statement so that disabled plates or a disabled windshield placard may be obtained shall maintain in such disabled person's medical chart documentation that such a certificate has been issued, the date the statement was signed, the diagnosis or condition which existed that qualified the person as disabled pursuant to this section and shall contain sufficient documentation so as to objectively confirm that such condition exists.

6. The medical or other records of the physician or other authorized health care practitioner who issued a physician's statement shall be open to inspection and review by such practitioner's licensing board, in order to verify compliance with this section. Information contained within such records shall be confidential unless required for prosecution, disciplinary purposes, or otherwise required to be disclosed by law.

7. Owners of motor vehicles who are residents of the state of Missouri, and who are physically disabled, owners of motor vehicles operated at least fifty percent of the time by a physically disabled person, or owners of motor vehicles used to primarily transport physically disabled members of the owner's household may obtain disabled person license plates. Such owners, upon application, accompanied by the documents and fees provided for in this section, a current physician's statement which has been issued within ninety days proceeding the date the application is made and proof of compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles, shall be issued motor vehicle license plates for vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the word "DISABLED" in addition to a combination of letters and numbers. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. If at any time an individual who obtained disabled license plates issued under this subsection no longer occupies a residence with a physically disabled person, or no longer owns a vehicle that is operated at least fifty percent of the time by a physically disabled person, such individual shall surrender the disabled license plates to the department within thirty days of becoming ineligible for their use.

8. The director shall further issue, upon request, to such applicant one, and for good cause shown, as the director may define by rule and regulations, not more than two, removable disabled windshield hanging

placards for use when the disabled person is occupying a vehicle or when a vehicle not bearing the permanent handicap plate is being used to pick up, deliver, or collect the physically disabled person issued the disabled motor vehicle license plate or disabled windshield hanging placard.

9. No additional fee shall be paid to the director for the issuance of the special license plates provided in this section, except for special personalized license plates and other license plates described in this subsection. Priority for any specific set of special license plates shall be given to the applicant who received the number in the immediately preceding license period subject to the applicant's compliance with the provisions of this section and any applicable rules or regulations issued by the director. If determined feasible by the advisory committee established in section 301.129, any special license plate issued pursuant to this section may be adapted to also include the international wheelchair accessibility symbol and the word "DISABLED" as prescribed in this section and such plate may be issued to any applicant who meets the requirements of this section and the other appropriate provision of this chapter, subject to the requirements and fees of the appropriate provision of this chapter.

10. Any physically disabled person, or the parent or guardian of any such person, or any not-for-profit group, organization, or other entity which transports more than one physically disabled person, may apply to the director of revenue for a removable windshield placard. The placard may be used in motor vehicles which do not bear the permanent handicap symbol on the license plate. Such placards must be hung from the front, middle rearview mirror of a parked motor vehicle and may not be hung from the mirror during operation. These placards may only be used during the period of time when the vehicle is being used by a disabled person, or when the vehicle is being used to pick up, deliver, or collect a disabled person, and shall be surrendered to the department, within thirty days, if a group, organization, or entity that obtained the removable windshield placard due to the transportation of more than one physically disabled person no longer transports more than one disabled person. When there is no rearview mirror, the placard shall be displayed on the dashboard on the driver's side.

11. The removable windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The removable windshield placard shall be renewed every four years. The director may stagger the expiration dates to equalize workload. Only one removable placard may be issued to an applicant who has been issued disabled person license plates. Upon request, one additional windshield placard may be issued to an applicant who has not been issued disabled person license plates.

12. A temporary windshield placard shall be issued to any physically disabled person, or the parent or guardian of any such person who otherwise qualifies except that the physical disability, in the opinion of the physician, is not expected to exceed a period of one hundred eighty days. The temporary windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for the temporary windshield placard shall be two dollars. Upon request, and for good cause shown, one additional temporary windshield placard may be issued to an applicant. Temporary windshield placards shall be issued upon presentation of the physician's statement provided by this section and shall be displayed in the same manner as removable windshield placards. A person or entity shall be qualified to possess and display a temporary removable windshield placard for six months and the placard may be renewed once for an additional six months if a physician's statement pursuant to this section is supplied to the director of revenue at the time of renewal.

13. Application for license plates or windshield placards issued pursuant to this section shall be made

to the director of revenue and shall be accompanied by a statement signed by a licensed physician or other authorized health care practitioner which certifies that the applicant, user, or member of the applicant's household is a physically disabled person as defined by this section.

14. The placard shall be renewable only by the person or entity to which the placard was originally issued. Any placard issued pursuant to this section shall only be used when the physically disabled occupant for whom the disabled plate or placard was issued is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected. A disabled license plate and/or a removable windshield hanging placard are not transferable and may not be used by any other person whether disabled or not.

15. At the time the disabled plates or windshield hanging placards are issued, the director shall issue a registration certificate which shall include the applicant's name, address, and other identifying information as prescribed by the director, or if issued to an agency, such agency's name and address. This certificate shall further contain the disabled license plate number or, for windshield hanging placards, the registration or identifying number stamped on the placard. The validated registration receipt given to the applicant shall serve as the registration certificate.

16. The director shall, upon issuing any disabled registration certificate for license plates and/or windshield hanging placards, provide information which explains that such plates or windshield hanging placards are nontransferable, and the restrictions explaining who and when a person or vehicle which bears or has the disabled plates or windshield hanging placards may be used or be parked in a disabled reserved parking space, and the penalties prescribed for violations of the provisions of this act.

17. Every new applicant for a disabled license plate or placard shall be required to present a new physician's statement dated no more than ninety days prior to such application. Renewal applicants will be required to submit a physician's statement dated no more than ninety days prior to such application upon their first renewal occurring on or after August 1, 2005. Upon completing subsequent renewal applications, a physician's statement dated no more than ninety days prior to such application shall be required every eighth year. Such physician's statement shall state the expiration date for the temporary windshield placard. If the physician fails to record an expiration date on the physician's statement, the director shall issue the temporary windshield placard for a period of thirty days. The director may stagger the requirement of a physician's statement on all renewals for the initial implementation of an eight-year period.

18. The director of revenue upon receiving a physician's statement pursuant to this subsection shall check with the state board of registration for the healing arts created in section 334.120, or the Missouri state board of nursing established in section 335.021, with respect to physician's statements signed by advanced practice registered nurses, or the Missouri state board of chiropractic examiners established in section 331.090, with respect to physician's statements signed by licensed chiropractors, or with the board of optometry established in section 336.130, with respect to physician's statements signed by licensed optometrists, or the state board of podiatric medicine created in section 330.100, with respect to physician's statements signed by physicians of the foot or podiatrists to determine whether the physician is duly licensed and registered pursuant to law. If such applicant obtaining a disabled license plate or placard presents proof of disability in the form of a statement from the United States Veterans' Administration verifying that the person is permanently disabled, the applicant shall be exempt from the eight-year certification requirement of this subsection for renewal of the plate or placard. Initial applications shall be accompanied by the physician's statement required by this section. Notwithstanding the provisions of paragraph (f) of

subdivision (4) of subsection 1 of this section, any person seventy-five years of age or older who provided the physician's statement with the original application shall not be required to provide a physician's statement for the purpose of renewal of disabled persons license plates or windshield placards.

19. The boards shall cooperate with the director and shall supply information requested pursuant to this subsection. The director shall, in cooperation with the boards which shall assist the director, establish a list of all Missouri physicians and other authorized health care practitioners and of any other information necessary to administer this section.

20. Where the owner's application is based on the fact that the vehicle is used at least fifty percent of the time by a physically disabled person, the applicant shall submit a statement stating this fact, in addition to the physician's statement. The statement shall be signed by both the owner of the vehicle and the physically disabled person. The applicant shall be required to submit this statement with each application for license plates. No person shall willingly or knowingly submit a false statement and any such false statement shall be considered perjury and may be punishable pursuant to section 301.420.

21. The director of revenue shall retain all physicians' statements and all other documents received in connection with a person's application for disabled license plates and/or disabled windshield placards.

22. The director of revenue shall enter into reciprocity agreements with other states or the federal government for the purpose of recognizing disabled person license plates or windshield placards issued to physically disabled persons.

23. When a person to whom disabled person license plates or a removable or temporary windshield placard or both have been issued dies, the personal representative of the decedent or such other person who may come into or otherwise take possession of the disabled license plates or disabled windshield placard shall return the same to the director of revenue under penalty of law. Failure to return such plates or placards shall constitute a class B misdemeanor.

24. The director of revenue may order any person issued disabled person license plates or windshield placards to submit to an examination by a chiropractor, osteopath, or physician, or to such other investigation as will determine whether such person qualifies for the special plates or placards.

25. If such person refuses to submit or is found to no longer qualify for special plates or placards provided for in this section, the director of revenue shall collect the special plates or placards, and shall furnish license plates to replace the ones collected as provided by this chapter.

26. In the event a removable or temporary windshield placard is lost, stolen, or mutilated, the lawful holder thereof shall, within five days, file with the director of revenue an application and an affidavit stating such fact, in order to purchase a new placard. The fee for the replacement windshield placard shall be four dollars.

27. Fraudulent application, renewal, issuance, procurement or use of disabled person license plates or windshield placards shall be a class A misdemeanor. It is a class B misdemeanor for a physician, chiropractor, podiatrist or optometrist to certify that an individual or family member is qualified for a license plate or windshield placard based on a disability, the diagnosis of which is outside their scope of practice or if there is no basis for the diagnosis.

**28. (1) Notwithstanding provisions of this section or any other law to the contrary, the department shall, no later than January 1, 2020, implement an online system for the renewal of disabled license plates and placards issued under this section. Upon implementation of such online system, the department shall charge a one dollar fee per transaction. The website allowing for the submission of**

renewal information shall allow the confidential, electronic transmission of any form or document necessary to obtain such license plates or placards.

(2) The department of revenue may promulgate all necessary rules and regulations for the administration of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend Senate Bill No. 368, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“68.040. 1. Every local and regional port authority, approved as a political subdivision of the state, may from time to time issue its negotiable revenue bonds or notes in such principal amounts as, in its opinion, shall be necessary to provide sufficient funds for achieving its purposes, including the construction of port facilities and the financing of port improvement projects; establish reserves to secure such bonds and notes; and make other expenditures, incident and necessary to carry out its purposes and powers.

2. This state shall not be liable on any notes or bonds of any port authority. Any such notes or bonds shall not be a debt of the state and shall contain on the faces thereof a statement to such effect.

3. No commissioner of any port authority or any authorized person executing port authority notes or bonds shall be liable personally on said notes or bonds or shall be subject to any personal liability or accountability by reason of the issuance thereof.

4. The notes and bonds of every port authority are securities in which all public officers and bodies of this state and all political subdivisions and municipalities, all insurance companies and associations, and other persons carrying on an insurance business, all banks, trust companies, saving associations, savings and loan associations, credit unions, investment companies, all administrators, guardians, executors, trustees, and other fiduciaries, and all other persons whatsoever, who now or may hereafter be authorized to invest in notes and bonds or other obligations of this state, may properly and legally invest funds, including capital, in their control or belonging to them.

5. No port authority shall be required to pay any taxes or any assessments whatsoever to this state or to any political subdivisions, municipality, or other governmental agency of this state. The notes and bonds of every port authority and the income therefrom shall, at all times, be exempt from any taxes and any assessments, except for death and gift taxes and taxes on transfers. **Additionally, the sales and leases of both real and personal property by or to any port authority involving the issuance of bonds authorized under this chapter shall be exempt from taxation.**

6. Every port authority shall have the powers and be governed by the procedures now or hereafter conferred upon or applicable to the environmental improvement authority, chapter 260, relating to the manner of issuance of revenue bonds and notes, and the port authority shall exercise all such powers and adhere to all such procedures insofar as they are consistent with the necessary and proper undertaking of its purposes.”; and



Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.  
In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 53**, as amended. Representatives: Reedy, Hicks, Ross, Ellebracht, Runions.

On motion of Senator Rowden, the Senate recessed until 2:15 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Kehoe.

### **RESOLUTIONS**

Senator Crawford offered Senate Resolution No. 841, regarding the Fiftieth Wedding Anniversary of Samuel and Patricia Hartsell, Buffalo, which was adopted.

Senator Romine offered Senate Resolution No. 842, regarding Barb Kirkland, Imperial, which was adopted.

Senator Romine offered Senate Resolution No. 843, regarding Gay Ann Weadon, Farmington, which was adopted.

Senator Romine offered Senate Resolution No. 844, regarding Ralph Ogden, Farmington, which was adopted.

Senator Romine offered Senate Resolution No. 845, regarding Belinda Straughn, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 846, regarding Barbara Pryor, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 847, regarding Mitch Lotz, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 848, regarding Laura Momot, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 849, regarding Connie Moon, Ste. Genevieve, which was adopted.

Senator Cunningham offered Senate Resolution No. 850, regarding Eagle Scout Logan Reichert, Ozark, which was adopted.

Senator Cunningham offered Senate Resolution No. 851, regarding Eagle Scout Michael Adrian Juliano, Rogersville, which was adopted.

### **REPORTS OF STANDING COMMITTEES**

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 3**, begs leave to report that it has examined the same and finds that the bill has been truly

perfected and that the printed copies furnished the Senators are correct.

### **HOUSE BILLS ON THIRD READING**

**HCS for HB 255**, entitled:

An Act to repeal sections 620.2010 and 620.2020, RSMo, and to enact in lieu thereof two new sections relating to the Missouri works program.

Was taken up by Senator Cierpiot.

Senator Cierpiot offered **SS** for **HCS** for **HB 255**, entitled:

#### **SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 255**

An Act to repeal sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 143.011, 143.071, 143.121, 143.441, 143.451, 143.461, 143.551, 144.010, 144.011, 144.014, 144.020, 144.030, 144.043, 144.049, 144.054, 144.060, 144.069, 144.080, 144.083, 144.140, 144.190, 144.210, 144.285, 144.517, 144.526, 144.600, 144.605, 144.655, 144.710, 144.757, 144.759, 144.761, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 148.064, 184.815, 184.845, 208.431, 208.432, 208.433, 208.434, 208.435, 208.436, 208.437, 221.407, 238.235, 238.410, 620.800, 620.803, 620.806, 620.809, 620.2005, 620.2010, 620.2020, 620.2475, and 644.032, RSMo, and to enact in lieu thereof one hundred nine new sections relating to taxation, with an effective date for certain sections and an emergency clause for a certain section, with penalty provisions.

Senator Cierpiot moved that **SS** for **HCS** for **HB 255** be adopted.

Senator Hegeman offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute for House Committee Substitute for House Bill No. 255, Page 173, Section 94.705, Line 25 of said page, by inserting after all of said line the following:

“137.073. 1. As used in this section, the following terms mean:

(1) “General reassessment”, changes in value, entered in the assessor’s books, of a substantial portion of the parcels of real property within a county resulting wholly or partly from reappraisal of value or other actions of the assessor or county equalization body or ordered by the state tax commission or any court;

(2) “Tax rate”, “rate”, or “rate of levy”, singular or plural, includes the tax rate for each purpose of taxation of property a taxing authority is authorized to levy without a vote and any tax rate authorized by election, including bond interest and sinking fund;

(3) “Tax rate ceiling”, a tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate; except that, other provisions of law to the contrary notwithstanding, a school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent

to the 1980 tax year. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this section;

(4) “Tax revenue”, when referring to the previous year, means the actual receipts from ad valorem levies on all classes of property, including state-assessed property, in the immediately preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the fiscal year and plus an additional allowance for the revenue which would have been collected from property which was annexed by such political subdivision but which was not previously used in determining tax revenue pursuant to this section. The term “tax revenue” shall not include any receipts from ad valorem levies on any property of a railroad corporation or a public utility, as these terms are defined in section 386.020, which were assessed by the assessor of a county or city in the previous year but are assessed by the state tax commission in the current year. All school districts and those counties levying sales taxes pursuant to chapter 67 shall include in the calculation of tax revenue an amount equivalent to that by which they reduced property tax levies as a result of sales tax pursuant to section 67.505 and section 164.013 [or as excess home dock city or county fees as provided in subsection 4 of section 313.820] in the immediately preceding fiscal year but not including any amount calculated to adjust for prior years. For purposes of political subdivisions which were authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term “tax revenue”, as used in relation to the revision of tax levies mandated by law, shall mean the revenues equal to the amount that would have been available if the voluntary rate reduction had not been made.

2. Whenever changes in assessed valuation are entered in the assessor’s books for any personal property, in the aggregate, or for any subclass of real property as such subclasses are established in Section 4(b) of Article X of the Missouri Constitution and defined in section 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each political subdivision wholly or partially within the county or St. Louis City of the change in valuation of each subclass of real property, individually, and personal property, in the aggregate, exclusive of new construction and improvements. All political subdivisions shall immediately revise the applicable rates of levy for each purpose for each subclass of real property, individually, and personal property, in the aggregate, for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year for each subclass of real property, individually, and personal property, in the aggregate, except that the rate shall not exceed the greater of the most recent voter-approved rate or the most recent voter-approved rate as adjusted under subdivision (2) of subsection 5 of this section. Any political subdivision that has received approval from voters for a tax increase after August 27, 2008, may levy a rate to collect substantially the same amount of tax revenue as the amount of revenue that would have been derived by applying the voter-approved increased tax rate ceiling to the total assessed valuation of the political subdivision as most recently certified by the city or county clerk on or before the date of the election in which such increase is approved, increased by the percentage increase in the consumer price index, as provided by law, except that the rate shall not exceed the greater of the most recent voter-approved rate or the most recent voter-approved rate as adjusted under subdivision (2) of subsection 5 of this section. Such tax revenue shall not include any receipts from ad valorem levies on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property. Where the taxing authority is a school district for the purposes of revising the applicable rates of levy for each subclass of real property, the tax revenues from state-assessed railroad and utility property shall be apportioned and attributed to each subclass of real property based on the percentage of the total assessed valuation of the county that each subclass of real property represents in the current taxable year. As provided in Section 22

of Article X of the constitution, a political subdivision may also revise each levy to allow for inflationary assessment growth occurring within the political subdivision. The inflationary growth factor for any such subclass of real property or personal property shall be limited to the actual assessment growth in such subclass or class, exclusive of new construction and improvements, and exclusive of the assessed value on any real property which was assessed by the assessor of a county or city in the current year in a different subclass of real property, but not to exceed the consumer price index or five percent, whichever is lower. Should the tax revenue of a political subdivision from the various tax rates determined in this subsection be different than the tax revenue that would have been determined from a single tax rate as calculated pursuant to the method of calculation in this subsection prior to January 1, 2003, then the political subdivision shall revise the tax rates of those subclasses of real property, individually, and/or personal property, in the aggregate, in which there is a tax rate reduction, pursuant to the provisions of this subsection. Such revision shall yield an amount equal to such difference and shall be apportioned among such subclasses of real property, individually, and/or personal property, in the aggregate, based on the relative assessed valuation of the class or subclasses of property experiencing a tax rate reduction. Such revision in the tax rates of each class or subclass shall be made by computing the percentage of current year adjusted assessed valuation of each class or subclass with a tax rate reduction to the total current year adjusted assessed valuation of the class or subclasses with a tax rate reduction, multiplying the resulting percentages by the revenue difference between the single rate calculation and the calculations pursuant to this subsection and dividing by the respective adjusted current year assessed valuation of each class or subclass to determine the adjustment to the rate to be levied upon each class or subclass of property. The adjustment computed herein shall be multiplied by one hundred, rounded to four decimals in the manner provided in this subsection, and added to the initial rate computed for each class or subclass of property. For school districts that levy separate tax rates on each subclass of real property and personal property in the aggregate, if voters approved a ballot before January 1, 2011, that presented separate stated tax rates to be applied to the different subclasses of real property and personal property in the aggregate, or increases the separate rates that may be levied on the different subclasses of real property and personal property in the aggregate by different amounts, the tax rate that shall be used for the single tax rate calculation shall be a blended rate, calculated in the manner provided under subdivision (1) of subsection 6 of this section. Notwithstanding any provision of this subsection to the contrary, no revision to the rate of levy for personal property shall cause such levy to increase over the levy for personal property from the prior year.

3. (1) Where the taxing authority is a school district, it shall be required to revise the rates of levy to the extent necessary to produce from all taxable property, including state-assessed railroad and utility property, which shall be separately estimated in addition to other data required in complying with section 164.011, substantially the amount of tax revenue permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to offset such district's reduction in the apportionment of state school moneys due to its reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility valuation or loss of state aid, discovers that the estimates used result in receipt of excess revenues, which would have required a lower rate if the actual information had been known, the school district shall reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

(2) For any political subdivision which experiences a reduction in the amount of assessed valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, or due to clerical errors or corrections in the calculation or recordation of any assessed

valuation:

(a) Such political subdivision may revise the tax rate ceiling for each purpose it levies taxes to compensate for the reduction in assessed value occurring after the political subdivision calculated the tax rate ceiling for the particular subclass of real property or for personal property, in the aggregate, in a prior year. Such revision by the political subdivision shall be made at the time of the next calculation of the tax rate for the particular subclass of real property or for personal property, in the aggregate, after the reduction in assessed valuation has been determined and shall be calculated in a manner that results in the revised tax rate ceiling being the same as it would have been had the corrected or finalized assessment been available at the time of the prior calculation;

(b) In addition, for up to three years following the determination of the reduction in assessed valuation as a result of circumstances defined in this subdivision, such political subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive had the corrected or finalized assessment been available at the time of the prior calculation.

4. (1) In order to implement the provisions of this section and Section 22 of Article X of the Constitution of Missouri, the term improvements shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of new construction and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year's assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes [pursuant to] **under sections 68.010 to 68.075, sections 99.300 to 99.660, sections 99.800 to 99.865, sections 100.010 to 100.620, sections 135.200 to 135.255, [and] section 353.110, or any other provision of law providing for the total or partial exemption of ad valorem taxes** shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. Notwithstanding any opt-out implemented pursuant to subsection 15 of section 137.115, the assessor shall certify the amount of new construction and improvements and the amount of assessed value on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property separately for each of the three subclasses of real property for each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates pursuant to this section and Section 22, Article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency. The state tax commission shall certify the increase in such index on the latest twelve-month basis available on February first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and Section 22 of Article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and Section 22 of Article X of the Missouri Constitution, the

term “property” means all taxable property, including state-assessed property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or Section 22 of Article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided in this section and Section 22 of Article X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505 and section 164.013. Each political subdivision shall set each tax rate it is authorized to levy using the calculation that produces the lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to the authority of Section 10(c) of Article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated pursuant to Section 22 of Article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other provisions not in conflict with Section 22 of Article X of the Constitution of Missouri. Annual tax rate reductions provided in section 67.505 and section 164.013 shall be applied to the tax rate as established pursuant to this section and Section 22 of Article X of the Constitution of Missouri, unless otherwise provided by law.

5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section shall not be increased unless approved by a vote of the people. Approval of the higher tax rate shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval by more than a simple majority pursuant to any provision of law or the constitution, the tax rate increase must receive approval by at least the majority required.

(2) When voters approve an increase in the tax rate, the amount of the increase shall be added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate for approval rather than describing the amount of increase in the question, the stated tax rate approved shall be adjusted as provided in this section and, so adjusted, shall be the current tax rate ceiling. The increased tax rate ceiling as approved shall be adjusted such that when applied to the current total assessed valuation of the political subdivision, excluding new construction and improvements since the date of the election approving such increase, the revenue derived from the adjusted tax rate ceiling is equal to the sum of: the amount of revenue which would have been derived by applying the voter-approved increased tax rate ceiling to total assessed valuation of the political subdivision, as most recently certified by the city or county clerk on or before the date of the election in which such increase is approved, increased by the percentage increase in the consumer price index, as provided by law. Such adjusted tax rate ceiling may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate. If a ballot question presents a phased-in tax rate increase, upon voter approval, each tax rate increase shall be adjusted in the manner prescribed in this section to yield the sum of: the amount of revenue that would be derived by applying such voter-approved increased rate to the total assessed valuation, as most recently certified by the city or county clerk on or before the date of the election in which such increase was approved, increased by the percentage increase in the consumer price index, as provided by law, from the date of the election to the time of such increase and, so adjusted, shall be the current tax rate ceiling.

(3) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may, in a nonreassessment year, increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval in the manner provided under subdivision (4) of this subsection. Nothing in this section shall be construed as prohibiting a political subdivision from voluntarily levying a tax rate lower than that which is required under the provisions of this section or from seeking voter approval of a reduction

to such political subdivision's tax rate ceiling.

(4) In a year of general reassessment, a governing body whose tax rate is lower than its tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of this section as if its tax rate was at the tax rate ceiling. In a year following general reassessment, if such governing body intends to increase its tax rate, the governing body shall conduct a public hearing, and in a public meeting it shall adopt an ordinance, resolution, or policy statement justifying its action prior to setting and certifying its tax rate. The provisions of this subdivision shall not apply to any political subdivision which levies a tax rate lower than its tax rate ceiling solely due to a reduction required by law resulting from sales tax collections. The provisions of this subdivision shall not apply to any political subdivision which has received voter approval for an increase to its tax rate ceiling subsequent to setting its most recent tax rate.

6. (1) For the purposes of calculating state aid for public schools pursuant to section 163.031, each taxing authority which is a school district shall determine its proposed tax rate as a blended rate of the classes or subclasses of property. Such blended rate shall be calculated by first determining the total tax revenue of the property within the jurisdiction of the taxing authority, which amount shall be equal to the sum of the products of multiplying the assessed valuation of each class and subclass of property by the corresponding tax rate for such class or subclass, then dividing the total tax revenue by the total assessed valuation of the same jurisdiction, and then multiplying the resulting quotient by a factor of one hundred. Where the taxing authority is a school district, such blended rate shall also be used by such school district for calculating revenue from state-assessed railroad and utility property as defined in chapter 151 and for apportioning the tax rate by purpose.

(2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-hundredth of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of one cent to the next higher one/one-hundredth of a cent; if a taxing authority shall round to one-tenth of a cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next higher one-tenth of a cent. Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. All forms for the calculation of rates pursuant to this section shall be promulgated as a rule and shall not be incorporated by reference. The state auditor shall promulgate rules for any and all forms for the calculation of rates pursuant to this section which do not currently exist in rule form or that have been incorporated by reference. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen days of the date of receipt, examine such information and return to the county clerk his or her findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing authority's proposed tax

rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor and to submit all requested information to the state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.

(3) In the event that the taxing authority incorrectly completes the forms created and promulgated under subdivision (2) of this subsection, or makes a clerical error, the taxing authority may submit amended forms with an explanation for the needed changes. If such amended forms are filed under regulations prescribed by the state auditor, the state auditor shall take into consideration such amended forms for the purposes of this subsection.

7. No tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will fairly and adequately protect the interests of the class. In any class action maintained pursuant to this section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction of a taxing authority. The notice shall advise each member that the court will exclude him or her from the class if he or she so requests by a specified date, that the judgment, whether favorable or not, will include all members who do not request exclusion, and that any member who does not request exclusion may, if he or she desires, enter an appearance. In any class action brought pursuant to this section, the court, in addition to the relief requested, shall assess against the taxing authority found to be in violation of this section the reasonable costs of bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any attorney or association of attorneys who receive public funds from any source for their services. Any action brought pursuant to this section shall be set for hearing as soon as practicable after the cause is at issue.

9. If in any action, including a class action, the court issues an order requiring a taxing authority to revise the tax rates as provided in this section or enjoins a taxing authority from the collection of a tax because of its failure to revise the rate of levy as provided in this section, any taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her taxes in part, whether or not the taxes



are paid under protest as provided in section 139.031 or otherwise contested. The part of the taxes paid erroneously is the difference in the amount produced by the original levy and the amount produced by the revised levy. The township or county collector of taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this section shall make available to the collector all funds necessary to make refunds pursuant to this subsection. No taxpayer shall receive any interest on any money erroneously paid by him or her pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund any tax erroneously paid prior to or during the third tax year preceding the current tax year.

10. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.”; and

Further amend said bill, page 418, section C, line 2 of said page, by inserting after all of said line the following:

“Section D. The repeal and reenactment of section 137.073 of this act shall become effective July 1, 2020.”; and

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator Holsman offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 255, Page 173, Section 94.705, Line 25, by inserting after all of said line the following:

“135.100. As used in sections 135.100 to 135.150 the following terms shall mean:

(1) “Commencement of commercial operations” shall be deemed to occur during the first taxable year for which the new business facility is first available for use by the taxpayer, or first capable of being used by the taxpayer, in the revenue-producing enterprise in which the taxpayer intends to use the new business facility;

(2) “Existing business facility”, any facility in this state which was employed by the taxpayer claiming the credit in the operation of a revenue-producing enterprise immediately prior to an expansion, acquisition, addition, or replacement;

(3) “Facility”, any building used as a revenue-producing enterprise located within the state, including the land on which the facility is located and all machinery, equipment and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(4) “NAICS”, the North American Industrial Classification System as such classifications are defined

in the 2007 edition of the North American Industrial Classification System;

(5) “New business facility”, a facility which satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of a revenue-producing enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer’s only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of a revenue-producing enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of a revenue-producing enterprise, the portion employed by the taxpayer in the operation of a revenue-producing enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), (d) and (e) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 1983. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 1983, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 1983, or, if the facility is constructed, erected or installed by or on behalf of the taxpayer, such construction, erection or installation is commenced after December 31, 1983;

(c) If such facility was acquired by the taxpayer from another person or persons and such facility was employed immediately prior to the transfer of title to such facility to the taxpayer, or to the commencement of the term of the lease of such facility to the taxpayer, by any other person or persons in the operation of a revenue-producing enterprise, the operation of the same or a substantially similar revenue-producing enterprise is not continued by the taxpayer at such facility;

(d) Such facility is not a replacement business facility, as defined in subdivision (11) of this section; and

(e) The new business facility investment exceeds one hundred thousand dollars during the tax period in which the credits are claimed;

(6) “New business facility employee”, a person employed by the taxpayer in the operation of a new business facility during the taxable year for which the credit allowed by section 135.110 is claimed, except that truck drivers and rail and barge vehicle operators shall not constitute new business facility employees. A person shall be deemed to be so employed if such person performs duties in connection with the operation of the new business facility on:

(a) A regular, full-time basis; or

(b) A part-time basis, provided such person is customarily performing such duties an average of at least twenty hours per week; or

(c) A seasonal basis, provided such person performs such duties for at least eighty percent of the season customary for the position in which such person is employed;

(7) “New business facility income”, the Missouri taxable income, as defined in chapter 143, derived by the taxpayer from the operation of the new business facility. For the purpose of apportionment as prescribed in this subdivision, the term “Missouri taxable income” means, in the case of insurance companies, direct premiums as defined in chapter 148. If a taxpayer has income derived from the operation of a new business facility as well as from other activities conducted within this state, the Missouri taxable income derived by the taxpayer from the operation of the new business facility shall be determined by multiplying the

taxpayer's Missouri taxable income, computed in accordance with chapter 143, or in the case of an insurance company, computed in accordance with chapter 148, by a fraction, the numerator of which is the property factor, as defined in paragraph (a) of this subdivision, plus the payroll factor, as defined in paragraph (b) of this subdivision, and the denominator of which is two:

(a) The property factor is a fraction, the numerator of which is the new business facility investment certified for the tax period, and the denominator of which is the average value of all the taxpayer's real and depreciable tangible personal property owned or rented and used in this state during the tax period. The average value of all such property shall be determined as provided in chapter 32;

(b) The payroll factor is a fraction, the numerator of which is the total amount paid during the tax period by the taxpayer for compensation to persons qualifying as new business facility employees, as determined by subsection 4 of section 135.110, at the new business facility, and the denominator of which is the total amount paid in this state during the tax period by the taxpayer for compensation. The compensation paid in this state shall be determined as provided in chapter 32. For the purpose of this subdivision, "other activities conducted within this state" shall include activities previously conducted at the expanded, acquired or replaced facility at any time during the tax period immediately prior to the tax period in which commencement of commercial operations occurred;

(8) "New business facility investment", the value of [real and depreciable tangible personal] property, acquired by the taxpayer as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the taxable year for which the credit allowed by section 135.110 is claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft and other rolling stock for hire, track, switches, barges, bridges, tunnels and rail yards and spurs shall not constitute new business facility investments. **For the purposes of sections 135.100 to 135.150, property may be acquired by the taxpayer by purchase, lease, or license, including the right to use software and hardware via on-demand network access to a shared pool of configurable computing resources as long as the rights are used at the new business facility.** The total value of such property during such taxable year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate **or license**, if leased **or licensed** by the taxpayer. The net annual rental **or license** rate shall be the annual rental **or license** rate paid by the taxpayer less any annual rental **or license** rate received by the taxpayer from subrentals **or sublicenses**. The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the new business facility is in operation for less than an entire taxable year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period;

(9) "Office", a regional, national or international headquarters, a telemarketing operation, a computer operation, an insurance company, a passenger transportation ticket/reservation system or a credit card billing and processing center. For the purposes of this subdivision, "headquarters" means the administrative management of at least four integrated facilities operated by the taxpayer or related taxpayer. An office, as defined in this subdivision, when established must create and maintain positions for a minimum number of twenty-five new business facility employees as defined in subdivision (6) of this section;

(10) “Related taxpayer” shall mean:

- (a) A corporation, partnership, trust or association controlled by the taxpayer;
- (b) An individual, corporation, partnership, trust or association in control of the taxpayer; or

(c) A corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. For the purposes of sections 135.100 to 135.150, “control of a corporation” shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote; “control of a partnership or association” shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association; and “control of a trust” shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in Section 318 of the U.S. Internal Revenue Code;

(11) “Replacement business facility”, a facility otherwise described in subdivision (3) of this section, hereafter referred to in this subdivision as “new facility”, which replaces another facility, hereafter referred to in this subdivision as “old facility”, located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first taxable year in which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer’s or related taxpayer’s taxable period immediately preceding the taxable year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of a revenue-producing enterprise and the taxpayer continues the operation of the same or substantially similar revenue-producing enterprise at the new facility.

Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer’s new business facility investment, as computed in subsection 5 of section 135.110, in the new facility during the tax period in which the credits allowed in sections 135.110, 135.225 and 135.235 and the exemption allowed in section 135.220 are claimed exceed one million dollars or, if less, two hundred percent of the investment in the old facility by the taxpayer or related taxpayer, and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two except that the total number of employees at the new facility exceeds the total number of employees at the old facility by at least twenty-five if an office as defined in subdivision (9) of this section is established by a revenue-producing enterprise other than a revenue-producing enterprise defined in paragraphs (a) to (g) and (i) to (l) of subdivision (12) of this section;

(12) “Revenue-producing enterprise” means:

- (a) Manufacturing activities classified as NAICS 31-33;
- (b) Agricultural activities classified as NAICS 11;
- (c) Rail transportation terminal activities classified as NAICS 482;
- (d) Motor freight transportation terminal activities classified as NAICS 484 and NAICS 4884;
- (e) Public warehousing and storage activities classified as NAICS 493, miniwarehouse warehousing and

warehousing self-storage;

(f) Water transportation terminal activities classified as NAICS 4832;

(g) Airports, flying fields, and airport terminal services classified as NAICS 481;

(h) Wholesale trade activities classified as NAICS 42;

(i) Insurance carriers activities classified as NAICS 524;

(j) Research and development activities classified as NAICS 5417;

(k) Farm implement dealer activities classified as NAICS 42382;

(l) Interexchange telecommunications services as defined in subdivision (20) of section 386.020 or training activities conducted by an interexchange telecommunications company as defined in subdivision (19) of section 386.020;

(m) Recycling activities classified as NAICS 42393;

(n) Office activities as defined in subdivision (9) of this section, notwithstanding NAICS classification;

(o) Mining activities classified as NAICS 21;

(p) Computer programming, data processing and other computer-related activities classified as NAICS 5415;

(q) The administrative management of any of the foregoing activities; or

(r) Any combination of any of the foregoing activities;

(13) “Same or substantially similar revenue-producing enterprise”, a revenue-producing enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed or conducted in the same or similar manner as in another revenue-producing enterprise;

(14) “Taxpayer”, an individual proprietorship, corporation described in section 143.441 or 143.471, and partnership or an insurance company subject to the tax imposed by chapter 148, or in the case of an insurance company exempt from the thirty-percent employee requirement of section 135.230, to any obligation imposed pursuant to section 375.916.”; and

Further amend the title and enacting clause accordingly.

Senator Holsman moved that the above amendment be adopted, which motion prevailed.

Senator Luetkemeyer offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bill No. 255, Page 338, Section 238.410, Line 28, by inserting after all of said line the following:

“351.360. 1. Every corporation organized under this chapter shall have a president and a secretary, who shall be chosen by the directors, and such other officers and agents as shall be prescribed by the bylaws of the corporation. Unless the articles of incorporation or bylaws otherwise provide, any two or more offices may be held by the same person **and the offices of president, chief executive officer, and chairman of the board of directors may each be held by different persons.**

2. All officers and agents of the corporation, as between themselves and the corporation, shall have such authority and perform such duties in the management of the property and affairs of the corporation as may be provided in the bylaws, or, in the absence of such provision, as may be determined by resolution of the board of directors.

3. Any act required or permitted by any of the provisions of this chapter to be done by the president of the corporation may be done instead by the chairman of the board of directors, if any, of the corporation if the chairman of the board has previously been designated by the board of directors or in the bylaws to be the chief executive officer of the corporation, or to have the powers of the chief executive officer coextensively with the president, and such designation has been filed in writing with the secretary of state and such notice attested to by the secretary of the corporation.”; and

Further amend the title and enacting clause accordingly.

Senator Luetkemeyer moved that the above amendment be adopted, which motion prevailed.

Senator Onder offered **SA 4**:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Committee Substitute for House Bill No. 255, Pages 311-312, Section 208.431, by striking all of said section from the bill; and

Further amend said bill, pages 312-313, section 208.432, by striking all of said section from the bill; and

Further amend said bill, page 313, section 208.433, by striking all of said section from the bill; and

Further amend said bill, pages 313-314, section 208.434, by striking all of said section from the bill; and

Further amend said bill, pages 314-315, section 208.435, by striking all of said section from the bill; and

Further amend said bill, pages 315-316, section 208.436, by striking all of said section from the bill; and

Further amend said bill, pages 316-317, section 208.437, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Onder moved that the above amendment be adopted.

Senator Onder offered **SA 1 to SA 4**, which was read:

#### SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for House Committee Substitute for House Bill No. 255, Page 1, Line 14, by inserting after all of said line the following:

“Further amend said bill, page 318, section 208.438, by striking all of said section from the bill; and”.

Senator Onder moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Eigel, Hoskins, Koenig and Wallingford.

**SA 1 to SA 4** failed of adoption by the following vote:

YEAS—Senators

Burlison

Eigel

Emery

Hoskins

Koenig

O’Laughlin

Onder

Wallingford—8

## NAYS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Hegeman	Holsman	Hough	Libla	May	Nasheed	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
White	Wieland	Williams—24				

## Absent—Senators

Luetkemeyer	Walsh—2
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Absent with leave—Senators—None

Vacancies—None

SA 4 was again taken up.

Senator Onder moved that the above amendment be adopted, which motion failed.

Senator Onder offered SA 5:

## SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Committee Substitute for House Bill No. 255, Page 338, Section 238.410, Line 28, by inserting immediately after said line the following:

**“290.590. 1. As used in this section, the following terms shall mean:**

**(1) “Employer”, any individual, organization, partnership, state agency, political subdivision, corporation, or other legal entity which employs or has employed one or more individuals performing services for the entity within this state; and**

**(2) “Labor organization”, any organization of any kind or agency, or employee representation committee or union which exists for the purpose in whole or in part of dealing with employers concerning wages, rates of pay, hours of work, other conditions of employment, or other forms of compensation.**

**2. No person shall be required as a condition or continuation of employment to:**

**(1) Become, remain, or refrain from becoming a member of a labor organization;**

**(2) Pay any dues, fees, assessments, or other similar charges however denominated of any kind or amount to a labor organization; or**

**(3) In lieu of the payments listed under subdivision (2) of this subsection, pay to any charity or other third party any amount equivalent to, or on a pro rata basis, any dues, fees, assessments, or other charges required of members of a labor organization.**

**3. Any agreement, understanding, or practice, written or oral, implied or expressed, between any labor organization and employer that violates the rights of employees as guaranteed under this section is unlawful, null and void, and of no legal effect.**

**4. Any person who violates or directs another to violate any provision of this section shall be guilty of a class C misdemeanor.**

**5. (1) Any person injured as a result of any violation or threatened violation of this section shall**

**be entitled to injunctive relief against any and all violators or persons threatening violations.**

**(2) Any person injured as a result of any violation or threatened violation of this section may recover any and all damages of any character resulting from such violation or threatened violation including costs and reasonable attorney fees. Such remedies shall be independent of and in addition to the other penalties and remedies prescribed under this section.**

**6. The prosecuting attorney or circuit attorney with jurisdiction over the location where a violation or threatened violation of this section occurs or the attorney general of this state shall investigate complaints of violation or threatened violation of this section, prosecute any person violating this section, and use all means at their command to ensure the effective enforcement of this section.**

**7. This section shall not apply:**

**(1) To employers and employees covered by the federal Railway Labor Act;**

**(2) To federal employers and employees;**

**(3) To employers and employees on exclusive federal enclaves;**

**(4) Where this section conflicts with or is preempted by federal law; or**

**(5) To any agreement between an employer and a labor organization entered into before the effective date of this section but shall apply to any such agreement upon its renewal, extension, amendment, or modification in any respect after the effective date of this section.”; and**

Further amend the title and enacting clause accordingly.

Senator Onder moved that the above amendment be adopted.

At the request of Senator Cierpiot, **HCS for HB 255**, with **SS** and **SA 5** (pending), was placed on the Informal Calendar.

At the request of Senator Wallingford, **HCS for HB 469** was placed on the Informal Calendar.

**HCS for HB 677**, entitled:

An Act to repeal section 67.641, RSMo, and to enact in lieu thereof two new sections relating to certain tourism infrastructure facilities.

Was taken up by Senator Cierpiot.

Senator Hough offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend House Committee Substitute for House Bill No. 677, Page 1, In the Title, Lines 2-3, by striking “certain tourism infrastructure facilities” and inserting in lieu thereof the following: “tourism”; and

Further amend said bill, page 2, section 67.641, line 47, by inserting immediately after said line the following:

**“94.842. 1. The governing body of any home rule city with more than one hundred fifty-five thousand but fewer than two hundred thousand inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city, which shall not be more than seven and one-half percent per occupied room per night, except that such tax shall not**



become effective unless the governing body of the city submits to the voters of the city at a state general, primary or special election, a proposal to authorize the governing body of the city to impose a tax under the provisions of this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law, and the proceeds of such tax shall be used solely for capital investments that can be demonstrated to increase the number of overnight visitors. Such tax shall be stated separately from all other charges and taxes.

**2. The question shall be submitted in substantially the following form:**

Shall the \_\_\_\_\_ (city) levy a tax of \_\_\_\_\_ percent on each sleeping room occupied and rented by transient guests of hotels and motels located in the city, where the proceeds of which shall be expended for capital investments to increase tourism?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the governing body for the city shall have no power to impose the tax authorized by this section unless and until the governing body of the city again submits the question to the qualified voters of the city and such question is approved by a majority of the qualified voters voting on the question.

**3. On and after the effective date of any tax authorized under the provisions of this section, the city which levied the tax may adopt one of the two following provisions for the collection and administration of the tax:**

(1) The city which levied the tax may adopt rules and regulations for the internal collection of such tax by the city officers usually responsible for collection and administration of city taxes; or

(2) The city may enter into an agreement with the director of revenue of the state of Missouri for the purpose of collecting the tax authorized in this section. In the event any city enters into an agreement with the director of revenue of the state of Missouri for the collection of the tax authorized in this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of such tax, and the director of revenue shall collect the additional tax authorized under the provisions of this section. The tax authorized under the provisions of this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue, and the director of revenue shall retain not more than one percent for cost of collection.

**4. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel, motel, or tourist court consecutively for thirty-one days or less.";** and

Further amend the title and enacting clause accordingly.

Senator Hough moved that the above amendment be adopted.

At the request of Senator Cierpiot, HCS for HB 677, with SA 1 (pending), was placed on the Informal Calendar.

**HB 260**, introduced by Representative Taylor, with SCS, entitled:

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to poaching, with penalty provisions.

Was taken up by Senator Bernskoetter.

SCS for **HB 260**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 260

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to poaching, with penalty provisions.

Was taken up.

Senator Bernskoetter moved that **SCS for HB 260** be adopted.

Senator Brown offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 260, Page 1, Section 252.042, Lines 3-4, by striking “white-tailed deer” and inserting in lieu thereof the following: “**antlered** white-tailed deer, **excluding does,**”; and further amend line 12, by striking “white-tailed deer” and inserting in lieu thereof the following: “**antlered** white-tailed deer, **excluding does,**”.

Senator Brown moved that the above amendment be adopted, which motion prevailed.

Senator Bernskoetter moved that **SCS for HB 260**, as amended, be adopted, which motion prevailed.

On motion of Senator Bernskoetter, **SCS for HB 260**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Libla
Luetkemeyer	May	Nasheed	Riddle	Rizzo	Romine	Sater
Schatz	Schupp	Sifton	Wallingford	Walsh	White	Wieland

Williams—29

NAYS—Senators

Crawford            O’Laughlin—2

Absent—Senators

Koenig            Onder            Rowden—3

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Bernskoetter, title to the bill was agreed to.

Senator Bernskoetter moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**HCS for HB 547**, with **SCS**, entitled:

An Act to repeal section 478.001, RSMo, and to enact in lieu thereof one new section relating to veteran treatment courts.

Was taken up by Senator Bernskoetter.

**SCS for HCS for HB 547**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 547

An Act to repeal sections 56.765 and 478.001, RSMo, and to enact in lieu thereof three new sections relating to alternative methods for the disposal of cases in the judicial system.

Was taken up.

Senator Bernskoetter moved that **SCS for HCS for HB 547** be adopted.

Senator Nasheed offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 547, Page 9, Section 557.014, Line 104, by inserting after all of said line the following:

“650.058. 1. Notwithstanding the sovereign immunity of the state, any individual who was found guilty of a felony in a Missouri court and was later determined to be actually innocent of such crime solely as a result of DNA profiling analysis may be paid restitution. The individual may receive an amount of [fifty] **one hundred** dollars per day for each day of postconviction incarceration for the crime for which the individual is determined to be actually innocent. The petition for the payment of said restitution shall be filed with the sentencing court. For the purposes of this section, the term “actually innocent” shall mean:

- (1) The individual was convicted of a felony for which a final order of release was entered by the court;
- (2) All appeals of the order of release have been exhausted;

(3) The individual was not serving any term of a sentence for any other crime concurrently with the sentence for which he or she is determined to be actually innocent, unless such individual was serving another concurrent sentence because his or her parole was revoked by a court or the board of probation and parole in connection with the crime for which the person has been exonerated. Regardless of whether any other basis may exist for the revocation of the person’s probation or parole at the time of conviction for the crime for which the person is later determined to be actually innocent, when the court’s or the board of probation and parole’s sole stated reason for the revocation in its order is the conviction for the crime for which the person is later determined to be actually innocent, such order shall, for purposes of this section only, be conclusive evidence that their probation or parole was revoked in connection with the crime for which the person has been exonerated; and

(4) Testing ordered under section 547.035, or testing by the order of any state or federal court, if such person was exonerated on or before August 28, 2004, or testing ordered under section 650.055, if such person was or is exonerated after August 28, 2004, demonstrates a person's innocence of the crime for which the person is in custody.

Any individual who receives restitution under this section shall be prohibited from seeking any civil redress from the state, its departments and agencies, or any employee thereof, or any political subdivision or its employees. This section shall not be construed as a waiver of sovereign immunity for any purposes other than the restitution provided for herein. The department of corrections shall determine the aggregate amount of restitution owed during a fiscal year. If insufficient moneys are appropriated each fiscal year to pay restitution to such persons, the department shall pay each individual who has received an order awarding restitution a pro rata share of the amount appropriated. Provided sufficient moneys are appropriated to the department, the amounts owed to such individual shall be paid on June thirtieth of each subsequent fiscal year, until such time as the restitution to the individual has been paid in full. However, no individual awarded restitution under this subsection shall receive more than thirty-six thousand five hundred dollars during each fiscal year. No interest on unpaid restitution shall be awarded to the individual. No individual who has been determined by the court to be actually innocent shall be responsible for the costs of care under section 217.831.

2. If the results of the DNA testing confirm the person's guilt, then the person filing for DNA testing under section 547.035, shall:

(1) Be liable for any reasonable costs incurred when conducting the DNA test, including but not limited to the cost of the test. Such costs shall be determined by the court and shall be included in the findings of fact and conclusions of law made by the court; and

(2) Be sanctioned under the provisions of section 217.262.

3. A petition for payment of restitution under this section may only be filed by the individual determined to be actually innocent or the individual's legal guardian. No claim or petition for restitution under this section may be filed by the individual's heirs or assigns. An individual's right to receive restitution under this section is not assignable or otherwise transferrable. The state's obligation to pay restitution under this section shall cease upon the individual's death. Any beneficiary designation that purports to bequeath, assign, or otherwise convey the right to receive such restitution shall be void and unenforceable.

4. An individual who is determined to be actually innocent of a crime under this chapter shall automatically be granted an order of expungement from the court in which he or she pled guilty or was sentenced to expunge from all official records all recordations of his or her arrest, plea, trial or conviction. Upon granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the court shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section.”; and

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted, which motion prevailed.

Senator Bernskoetter moved that **SCS** for **HCS** for **HB 547**, as amended, be adopted, which motion prevailed.

Senator Bernskoetter moved that **SCS** for **HCS** for **HB 547**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Schatz referred **SCS** for **HCS** for **HB 547**, as amended, to the Committee on Fiscal Oversight.

### **REFERRALS**

President Pro Tem Schatz referred **HCS** for **HB 466**, with **SCS**, to the Committee on Fiscal Oversight.

### **SENATE BILLS FOR PERFECTION**

Senator Luetkemeyer moved that **SB 224**, with **SS No. 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS No. 2** was again taken up.

At the request of Senator Luetkemeyer, **SS No. 2** was withdrawn.

Senator Luetkemeyer offered **SS No. 3** for **SB 224**, entitled:

#### **SENATE SUBSTITUTE NO. 3 FOR SENATE BILL NO. 224**

An Act to amend supreme court rules 56.01, 57.01, 57.03, 57.04, 58.01, 59.01, and 61.01, relating to discovery.

Senator Luetkemeyer moved that **SS No. 3** for **SB 224** be adopted.

Senator Rizzo offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute No. 3 for Senate Bill No. 224, Pages 1-12, Section 56.01 of said page, by striking all of said section from the bill; and

Further amend said bill, Pages 13-17, Section 57.01, by striking all of said section from the bill; and

Further amend said bill, Pages 27-31, Section 58.01, by striking all of said section from the bill; and

Further amend said bill, Pages 31-36, Section 59.01, by striking all of said section from the bill; and

Further amend said bill, Pages 36-42, Section 61.01, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Rizzo moved that the above amendment be adopted.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

Senator Hegeman assumed the Chair.

President Kehoe assumed the Chair.

At the request of Senator Luetkemeyer, **SS No. 3** for **SB 224** was withdrawn, rendering **SA 1** moot.

Senator Luetkemeyer offered **SS No. 4** for **SB 224**, entitled:

SENATE SUBSTITUTE NO. 4 FOR  
SENATE BILL NO. 224

An Act to amend supreme court rules 25.02, 25.03, 56.01, 57.01, 57.03, 57.04, 58.01, 59.01, and 61.01, relating to discovery.

Senator Luetkemeyer moved that **SS No. 4** for **SB 224** be adopted, which motion prevailed.

On motion of Senator Luetkemeyer, **SS No. 4** for **SB 224** was declared perfected and ordered printed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 133**, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS No. 2** for **SB 7**.

Bill ordered enrolled.

**CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SB 133**, with **HCS**: Senators Cunningham, Bernskoetter, Crawford, Walsh and Sifton.

**RESOLUTIONS**

Senator Libla offered Senate Resolution No. 852, regarding Captain Jeffrey N. Vitale, Poplar Bluff, which was adopted.

Senator White offered Senate Resolution No. 853, regarding Larry James, Neosho, which was adopted.

Senator White offered Senate Resolution No. 854, regarding Henry Freund, Neosho, which was adopted.

Senator White offered Senate Resolution No. 855, regarding Paul Peter Randolph Jr., Neosho, which was adopted.

Senator White offered Senate Resolution No. 856, regarding Joanne Bauni, Joplin, which was adopted.

Senator White offered Senate Resolution No. 857, regarding Gary VanMater, Carthage, which was adopted.

Senator White offered Senate Resolution No. 858, regarding Erline Hoeppner, Stark City, which was adopted.

**INTRODUCTIONS OF GUESTS**

Senator Rizzo introduced to the Senate, Chancellor Dr. Kimberly Beatty, President Dr. Utpal Goswami, Dean of Students Dr. Jon Burke; Kimberly Greene, Jonathan Punti, Darrien McKenzie and Michael Rexroad, Metropolitan Community College in Kansas City.

Senator Cunningham introduced to the Senate, the Physician of the Day, Dr. David Barbe, Mountain Grove.

Senator Bernskoetter introduced to the Senate, William and Linda McAnany, Jefferson City.

Senator Bernskoetter introduced to the Senate, his aunt, Mary Lee Roberts; and Larry Zimmer, Jefferson City.

Senator Walsh introduced to the Senate, Genesia Clay, Theresa Hester and Celine Hite, St. Louis.

On behalf of Senator Bernskoetter and herself, Senator Crawford introduced to the Senate, the First Lady, Teresa Parson; and her brother-in-law, Kent Parson, and Bart and Tracy Davis, Hickory County.

Senator Schupp introduced to the Senate, Teacher Rob Behm, and Jacob Deighton and Matt Hippe, DeSmet Jesuit High School, St. Louis.

Senator Nasheed introduced to the Senate, Kimberly Ann Collins, St. Louis.

Senator Libla introduced to the Senate, Teacher Josh Thompson, and Baylun Tucker and Ryleigh Ray, Charleston High School.

On motion of Senator Rowden, the Senate adjourned under the rules.

**SENATE CALENDAR**


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SIXTY-FIRST DAY–THURSDAY, MAY 2, 2019

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**FORMAL CALENDAR****HOUSE BILLS ON SECOND READING**

HCS for HB 576  
HB 868-Mitten  
HB 1002-Busick

HB 489-DeGroot  
HB 1049-Wood

**THIRD READING OF SENATE BILLS**

SCS for SB 465-Burlison (In Fiscal Oversight)  
SB 514-Sater (In Fiscal Oversight)  
SB 255-Bernskoetter (In Fiscal Oversight)

SS for SCS for SB 37-Onder  
(In Fiscal Oversight)  
SCS for SB 1-Curls and Nasheed

SS for SB 391-Bernskoetter

SS for SB 3-Curls

SENATE BILLS FOR PERFECTION

- |                               |                                  |
|-------------------------------|----------------------------------|
| 1. SB 430-Libla               | 16. SB 437-Hoskins               |
| 2. SB 186-Hegeman             | 17. SB 286-Hough                 |
| 3. SB 302-Wallingford         | 18. SB 325-Crawford, with SCS    |
| 4. SB 347-Burlison            | 19. SBs 8 & 74-Emery, with SCS   |
| 5. SB 439-Brown               | 20. SB 386-O'Laughlin, with SCS  |
| 6. SB 303-Riddle, with SCS    | 21. SB 272-Emery, with SCS       |
| 7. SB 376-Riddle              | 22. SB 265-Luetkemeyer, with SCS |
| 8. SB 82-Cunningham, with SCS | 23. SB 135-Sifton, with SCS      |
| 9. SB 161-Cunningham          | 24. SB 342-Curls and Nasheed     |
| 10. SB 144-Burlison, with SCS | 25. SB 424-Luetkemeyer           |
| 11. SJR 20-Koenig, with SCS   | 26. SB 367-Burlison              |
| 12. SB 208-Wallingford        | 27. SB 22-Nasheed, with SCS      |
| 13. SB 189-Crawford, with SCS | 28. SJR 25-Libla, with SCS       |
| 14. SB 385-Bernskoetter       | 29. SB 140-Koenig, with SCS      |
| 15. SB 409-Wieland, et al     | 30. SJR 21-May                   |

HOUSE BILLS ON THIRD READING

- |  |  |
|--|--|
| 1. HB 219-Wood (Sater)                                     | 19. HCS for HB 604, with SCS (Hoskins)<br>(In Fiscal Oversight)    |
| 2. HB 831-Sharpe (Brown)                                   | 20. HB 214-Trent (Hough)   |
| 3. HCS for HB 694 (Riddle)                                 | 21. HCS for HB 1088 (Hoskins)<br>(In Fiscal Oversight)             |
| 4. HCS#2 for HB 499 (Schatz)                               | 22. HB 355-Plocher, with SCS (Wallingford)                         |
| 5. HCS for HB 192, with SCS (Emery)                        | 23. HCS for HB 160, with SCS (White)<br>(In Fiscal Oversight)      |
| 6. HB 485-Dogan, with SCS (Emery)<br>(In Fiscal Oversight) | 24. HB 584-Knight, with SCS (Wallingford)<br>(In Fiscal Oversight) |
| 7. HCS for HB 564, with SCS (Koenig)                       | 25. HB 599-Bondon, with SCS (Cunningham)<br>(In Fiscal Oversight)  |
| 8. HCS for HB 678, with SCS (Williams)                     | 26. HB 1029-Bondon (Brown)<br>(In Fiscal Oversight)                |
| 9. HCS for HB 399, with SCS (Hoskins)                      | 27. HB 257-Stephens (Sater)  |
| 10. HB 126-Schroer, with SCS (Koenig)                      | 28. HB 563-Wiemann (Wallingford)<br>(In Fiscal Oversight)          |
| 11. HB 138-Kidd (Wallingford)                              | 29. HCS for HB 266, with SCS (Hoskins)                             |
| 12. HB 332-Lynch, with SCS (Wallingford)                   | 30. HCS for HB 959, with SCS (Cierpiot)                            |
| 13. HCS for HBs 243 & 544, with SCS (Arthur)               |  |
| 14. HCS for HB 220, with SCS (O'Laughlin)                  |  |
| 15. HB 821-Solon (Luetkemeyer)                             |  |
| 16. HB 565-Morse, with SCS (Wallingford)                   |  |
| 17. HCS for HB 447, with SCS (Riddle)                      |  |
| 18. HB 113-Smith, with SCS (Emery)                         |  |



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|--|--|
| <p>31. HCS for HB 333, with SCS (Crawford)<br/>(In Fiscal Oversight)</p> <p>32. HB 461-Pfautsch (Brown)<br/>(In Fiscal Oversight)</p> <p>33. HCS for HB 824 (Hoskins)<br/>(In Fiscal Oversight)</p> <p>34. HB 587-Rone (Crawford)<br/>(In Fiscal Oversight)</p> <p>35. HCS for HB 346 (Wallingford)<br/>(In Fiscal Oversight)</p> <p>36. HB 1061-Patterson (Hoskins)<br/>(In Fiscal Oversight)</p> | <p>37. HB 470-Grier, with SCS (O'Laughlin)<br/>(In Fiscal Oversight)</p> <p>38. HB 186-Trent, with SCS (In Fiscal Oversight)</p> <p>39. HCS for HB 466, with SCS (Riddle)<br/>(In Fiscal Oversight)</p> <p>40. HCS for HB 229, with SCS (Wallingford)</p> <p>41. HB 646-Rowland (In Fiscal Oversight)</p> <p>42. HCS for HBs 161 &amp; 401, with SCS<br/>(Cunningham)</p> <p>43. HB 321-Solon (Luetkemeyer)</p> <p>44. HCS for HB 67, with SCS (Luetkemeyer)<br/>(In Fiscal Oversight)</p> |
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## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

- |   |   |
|---|---|
| <p>SB 4-Sater</p> <p>SB 5-Sater, et al, with SCS</p> <p>SB 10-Cunningham, with SCS &amp; SA 1<br/>(pending)</p> <p>SB 14-Wallingford</p> <p>SB 16-Romine, with SCS, SS for SCS, SA 3<br/>&amp; point of order (pending)</p> <p>SB 19-Libla, with SA 1 (pending)</p> <p>SB 31-Wieland</p> <p>SB 39-Onder</p> <p>SB 44-Hoskins, with SCS &amp; SS#3 for SCS<br/>(pending)</p> <p>SBs 46 &amp; 50-Koenig, with SCS, SS for SCS<br/>&amp; SA 6 (pending)</p> <p>SB 49-Rowden, with SCS</p> <p>SB 52-Eigel, with SCS</p> <p>SB 56-Cierpiot, with SCS, SS for SCS &amp;<br/>SA 1 (pending)</p> <p>SB 57-Cierpiot</p> <p>SB 62-Burlison, with SCS</p> <p>SB 65-White, with SS (pending)</p> <p>SB 69-Hough</p> <p>SB 76-Sater, with SCS (pending)</p> <p>SB 78-Sater</p> | <p>SB 97-Hegeman, with SCS</p> <p>SB 100-Riddle, with SS (pending)</p> <p>SB 118-Cierpiot, with SCS</p> <p>SB 132-Emery, with SCS</p> <p>SB 141-Koenig</p> <p>SB 150-Koenig, with SCS</p> <p>SBs 153 &amp; 117-Sifton, with SCS</p> <p>SB 154-Luetkemeyer, with SS &amp; SA 2 (pending)</p> <p>SB 155-Luetkemeyer</p> <p>SB 160-Koenig, with SCS, SS for SCS &amp;<br/>SA 2 (pending)</p> <p>SB 168-Wallingford, with SCS</p> <p>SB 201-Romine</p> <p>SB 205-Arthur, with SCS</p> <p>SB 211-Wallingford</p> <p>SB 222-Hough</p> <p>SB 225-Curls</p> <p>SB 234-White</p> <p>SB 252-Wieland, with SCS</p> <p>SB 259-Romine, with SS &amp; SA 3 (pending)</p> <p>SB 276-Rowden, with SCS</p> <p>SB 278-Wallingford, with SCS</p> <p>SBs 279, 139 &amp; 345-Onder and Emery,<br/>with SCS</p> |
|---|---|

SB 292-Eigel, with SCS & SS#2 for SCS  
(pending)

SB 293-Hough, with SCS

SB 296-Cierpiot, with SCS

SB 298-White, with SCS

SB 300-Eigel

SB 312-Eigel

SB 316-Burlison

SB 318-Burlison

SB 328-Burlison, with SCS

SB 332-Brown

SB 336-Schupp

SB 343-Eigel, with SCS

SB 344-Eigel, with SCS

SB 349-O'Laughlin, with SCS

SB 350-O'Laughlin

SB 354-Cierpiot, with SCS

SB 412-Holsman

SB 426-Williams

SB 431-Schatz, with SCS

SJR 1-Sater and Onder, with SS#2 & SA 1  
(pending)

SJR 13-Holsman, with SCS, SS for SCS &  
SA 1 (pending)

SJR 18-Cunningham

#### HOUSE BILLS ON THIRD READING

HCS for HB 169, with SCS (Romine)

HB 188-Rehder (Luetkemeyer)

HCS for HB 225, with SCS, SS for SCS &  
SA 1 (pending) (Romine)

HCS for HB 255, with SS & SA 5 (pending)  
(Cierpiot)

HCS for HB 469 (Wallingford)

SCS for HCS for HB 547 (Bernskoetter)  
(In Fiscal Oversight)

HCS for HB 677, with SA 1 (pending)  
(Cierpiot)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SB 368-Hough, with HA 1, HA 2, HA 3, HA 4,  
HA 5, HA 6, HA 7 & HA 8

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

SB 53-Crawford, with HCS, as amended

SB 133-Cunningham, with HCS

HCS for HB 2, with SCS (Hegeman)

HCS for HB 3, with SCS (Hegeman)

HCS for HB 4, with SCS (Hegeman)

HCS for HB 5, with SCS (Hegeman)

HCS for HB 6, with SCS (Hegeman)

HCS for HB 7, with SS for SCS (Hegeman)

HCS for HB 8, with SCS (Hegeman)

HCS for HB 9, with SCS (Hegeman)

HCS for HB 10, with SS for SCS (Hegeman)

HCS for HB 11, with SCS (Hegeman)

HCS for HB 12, with SCS (Hegeman)

HCS for HB 13, with SCS (Hegeman)

## Requests to Recede or Grant Conference

SB 182-Cierpiot, et al, with HCS, as amended  
(Senate requests House recede or grant  
conference)

HCS for HB 397, with SS for SCS, as amended  
(Riddle)  
(House requests Senate recede or grant  
conference)

## RESOLUTIONS

SR 20-Holsman

SR 731-Hoskins

## Reported from Committee

SCR 8-Holsman  
SCR 13-Emery  
SCR 15-Burlison  
SCR 19-Eigel  
SCR 21-May  
SCR 22-Holsman

SCR 23-Luetkemeyer  
SCR 24-Hegeman and Luetkemeyer  
SCR 26-Bernskoetter  
HCS for HCR 16 (Hoskins)  
HCR 18-Spencer (Eigel)

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# Journal of the Senate

FIRST REGULAR SESSION

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**SIXTY-FIRST DAY—THURSDAY, MAY 2, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“The present moment holds infinite riches, but you will only enjoy them to the extent of your faith and love. The more a soul loves, the more it longs; the more it hopes, the more it finds.” (Jean-Pierre De Caussade)

Heavenly Father, we reach the end of another week and time seems to be accelerating with yet so much to do, to accomplish, to discover and to pursue. Help us join our nation in prayer to focus on those things right here and now throughout this day and enrich our souls as we draw closer to those we love and embrace each moment with them and with You, our God. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Eigel offered Senate Resolution No. 859, regarding Corey Valleroy, St. Peters, which was

adopted.

Senator White offered Senate Resolution No. 860, regarding Bill and Earline Kelley, Carl Junction, which was adopted.

Senator Wallingford offered Senate Resolution No. 861, regarding Maryann “Miki” Gudermuth, Cape Girardeau, which was adopted.

### REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 4** for **SB 224**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### REFERRALS

President Pro Tem Schatz referred **SS No. 4** for **SB 224** to the Committee on Fiscal Oversight.

### REPORTS OF STANDING COMMITTEES

Senator Schatz, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Neal Farrar, as a member of the Well Installation Board; and

David L. Smith, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects.

Senator Schatz requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Schatz moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

### CONCURRENT RESOLUTIONS

Senator Emery moved that **SCR 13** be taken up for adoption, which motion prevailed.

On motion of Senator Emery, **SCR 13** was adopted by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Wallingford	White

Wieland—29

#### NAYS—Senators

Nasheed	Schupp	Sifton	Walsh	Williams—5
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

President Pro Tem Schatz assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HB 240**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HB 337**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Emery, Chairman of the Committee on Government Reform, submitted the following report:

Mr. President: Your Committee on Government Reform, to which was referred **SB 308**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Romine, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 267**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wieland, Chairman of the Committee on Insurance and Banking, submitted the following reports:

Mr. President: Your Committee on Insurance and Banking, to which was referred **HB 757**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **HB 942**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **HB 815**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following reports:

Mr. President: Your Committee on Professional Registration, to which was referred **HB 705**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Professional Registration, to which was referred **HCS** for **HB 301**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Hegeman, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HB 600**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hoskins, Chairman of the Committee on Small Business and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business and Industry, to which was referred **HB 943**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business and Industry, to which was referred **HB 372**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crawford, Chairman of the Committee on Local Government and Elections, submitted the following report:

Mr. President: Your Committee on Local Government and Elections, to which was referred **HCS** for **HB 438**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bernskoetter, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HB 1127**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator White, Chairman of the Committee on Veterans and Military Affairs, submitted the following report:

Mr. President: Your Committee on Veterans and Military Affairs, to which was referred **HCS** for **HB 400**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Luetkemeyer, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 966**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **SS** for **SCS** for **SB 37**; **SB 514**; **HCS** for **HB 1088**; **HB 563**; **HB 461**; **HB 584**, with **SCS**; **HCS** for **HB 824**; **HB 587**; **HB 1029**; **HB 470**, with **SCS**; **HB 1061**; **HB 599**, with **SCS**; **HCS** for **HB 160**, with **SCS**; **HCS** for **HB 333**, with **SCS**; **HCS** for **HB 604**, with **SCS**; and **HCS** for **HB 346**, begs leave to report that it has considered the same and recommends that the bills do pass.

President Kehoe assumed the Chair.

**THIRD READING OF SENATE BILLS**

**SB 514**, introduced by Senator Sater, entitled:

An Act to repeal section 208.151, RSMo, and to enact in lieu thereof one new section relating to MO HealthNet benefits for person in foster care.

Was taken up.

On motion of Senator Sater, **SB 514** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SS for SCS for SB 37**, introduced by Senator Onder, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 37**

An Act to repeal sections 565.021 and 567.050, RSMo, and to enact in lieu thereof three new sections relating to certain crimes against the person, with penalty provisions.

Was taken up.

On motion of Senator Onder, **SS for SCS for SB 37** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	



NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Onder, title to the bill was agreed to.

Senator Onder moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SCS for SB 1**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1

An Act to repeal section 610.140, RSMo, and to enact in lieu thereof one new section relating to expungement of certain criminal records.

Was taken up by Senator Curls.

On motion of Senator Curls, **SCS for SB 1** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Curls, title to the bill was agreed to.

Senator Curls moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SS for SB 391**, introduced by Senator Bernskoetter, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 391

An Act to repeal sections 192.300, 640.715, and 640.745, RSMo, and to enact in lieu thereof five new sections relating to agricultural operations, with an existing penalty provision.

Was taken up.

On motion of Senator Bernskoetter, **SS** for **SB 391** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Crawford	Cunningham	Eigel	Emery
Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer	O’Laughlin
Onder	Riddle	Romine	Rowden	Sater	Schatz	Wallingford
White	Wieland—23					

NAYS—Senators

Arthur	Cierpiot	Curls	Holsman	May	Nasheed	Rizzo
Schupp	Sifton	Walsh	Williams—11			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Bernskoetter, title to the bill was agreed to.

Senator Bernskoetter moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**SS** for **SB 3**, introduced by Senator Curls, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 3

An Act to repeal sections 82.1025, 82.1026, 82.1027, 82.1028, 82.1029, 82.1030, and 82.1031, RSMo, and to enact in lieu thereof six new sections relating to property regulations in certain cities and counties.

Was taken up.

On motion of Senator Curls, **SS** for **SB 3** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Cierpiot	Crawford	Cunningham	Curls	Emery
Hegeman	Holsman	Hoskins	Hough	Koenig	Libla	May
Nasheed	O’Laughlin	Onder	Riddle	Rizzo	Romine	Rowden
Sater	Schatz	Schupp	Sifton	Wallingford	Walsh	White
Wieland	Williams—30					

## NAYS—Senators

Brown                      Burlison                      Eigel                      Luetkemeyer—4

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Curls, title to the bill was agreed to.

Senator Curls moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Hough moved that the Senate refuse to concur in **HA 1, HA 2, HA 3, HA 4, HA 5, HA 6, HA 7** and **HA 8** to **SB 368** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### HOUSE BILLS ON THIRD READING

At the request of Senator Sater, **HB 219** was placed on the Informal Calendar.

**HB 831**, introduced by Representative Sharpe, entitled:

An Act to amend chapter 301, RSMo, by adding thereto two new sections relating to the establishment of a special license plate.

Was taken up by Senator Brown.

Senator Brown offered **SS** for **HB 831**, entitled:

#### SENATE SUBSTITUTE FOR HOUSE BILL NO. 831

An Act to repeal sections 88.770, 327.401, 537.340, and 610.021, RSMo, and to enact in lieu thereof six new sections relating to non-investor-owned utilities.

Senator Brown moved that **SS** for **HB 831** be adopted.

At the request of Senator Brown, **HB 831**, with **SS** (pending), was placed on the Informal Calendar.

**HCS** for **HB 694**, entitled:

An Act to repeal section 43.540, RSMo, and to enact in lieu thereof three new sections relating to criminal history record checks, with penalty provisions and an emergency clause.

Was taken up by Senator Riddle.

Senator Riddle offered **SS** for **HCS** for **HB 694**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 694

An Act to repeal sections 43.540 and 488.5050, RSMo, and to enact in lieu thereof four new sections relating to records maintained by the Missouri highway patrol, with penalty provisions and an emergency clause for certain sections.

Senator Riddle moved that **SS** for **HCS** for **HB 694** be adopted, which motion prevailed.

On motion of Senator Riddle, **HCS** for **HB 694** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator May—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 17**, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments and offices of state government and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period beginning July 1, 2019, and ending June 30, 2020.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 18**, entitled:

An Act to appropriate money for the several departments and offices of state government and the several divisions and programs thereof: for the purchase of equipment; for planning, expenses, and for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; for grants, refunds, distributions, planning, expenses, and land improvements; to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the fiscal period beginning July 1, 2019, and ending June 30, 2020.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 19**, entitled:

An Act to appropriate money for the several departments and offices of state government and the several divisions and programs thereof for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period beginning July 1, 2019, and ending June 30, 2020.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 133**. Representatives: Shaul (113), Rone, Kelly (141), Lavender, McCreery.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 54**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment to Article VI of the Constitution of Missouri, by adopting two new sections relating to political subdivision consolidation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 585**, entitled:

An Act to repeal section 326.289, RSMo, and to enact in lieu thereof two new sections relating to consumer protections for preparation of financial documents.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 632**, entitled:

An Act to repeal sections 382.010 and 382.230, RSMo, and to enact in lieu thereof three new sections relating to insurance holding companies.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **INTRODUCTIONS OF GUESTS**

The President introduced to the Senate, WWII veteran Sidney Walton, and his son, Paul, San Diego, California; his daughter, Judy Walton, and daughter-in-law Amy Cowden.

Senator Cunningham introduced to the Senate, Amanda Engemann, and her children, Blake, Atalie and Haley, Hermann; and Blake, Atalie and Haley were made honorary pages.

Senator Hoskins introduced to the Senate, Emily and Ean Wilson, Wellington.

Senator Riddle introduced to the Senate, Teacher Melissa Leisinger; and Christian Alberts, Alex Bayless, Auryanna Belcher, Caleb Bonnel, Madee Lierheimer, Adeline Nickelson and Cora Wieschhaus, Kingdom Christian Academy, Fulton; and home school students Dean Kline, Thomas Kline, Tara Rybold and Micah Tenney.

Senator Riddle introduced to the Senate, teacher, parents and twelve fourth-grade students from Liberty Christian Academy, Wright City.

Senator Riddle introduced to the Senate, students from McIntire Elementary School, Fulton.

Senator Brown introduced to the Senate, Trish Hull, and her son, Ryan, Newburg.

Senator Burlison introduced to the Senate, the Physician of the Day, Dr. Alex Hover, Springfield.

On motion of Senator Rowden. the Senate adjourned until 4:00 p.m., Monday, May 6, 2019.

## SENATE CALENDAR

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SIXTY-SECOND DAY—MONDAY, MAY 6, 2019

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## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HCS for HB 576  
HB 868-Mitten  
HB 1002-Busick  
HB 489-DeGroot  
HB 1049-Wood  
HCS for HB 17

HCS for HB 18  
HCS for HB 19  
HJR 54-Plocher  
HB 585-Coleman (32)  
HB 632-Muntzel

### THIRD READING OF SENATE BILLS

SCS for SB 465-Burlison (In Fiscal Oversight)  
SB 255-Bernskoetter (In Fiscal Oversight)

SS#4 for SB 224-Luetkemeyer  
(In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

1. SB 430-Libla  
2. SB 186-Hegeman  
3. SB 302-Wallingford  
4. SB 347-Burlison  
5. SB 439-Brown  
6. SB 303-Riddle, with SCS  
7. SB 376-Riddle  
8. SB 82-Cunningham, with SCS  
9. SB 161-Cunningham  
10. SB 144-Burlison, with SCS  
11. SJR 20-Koenig, with SCS  
12. SB 208-Wallingford  
13. SB 189-Crawford, with SCS  
14. SB 385-Bernskoetter  
15. SB 409-Wieland, et al  
16. SB 437-Hoskins

17. SB 286-Hough  
18. SB 325-Crawford, with SCS  
19. SBs 8 & 74-Emery, with SCS  
20. SB 386-O'Laughlin, with SCS  
21. SB 272-Emery, with SCS  
22. SB 265-Luetkemeyer, with SCS  
23. SB 135-Sifton, with SCS  
24. SB 342-Curls and Nasheed  
25. SB 424-Luetkemeyer  
26. SB 367-Burlison  
27. SB 22-Nasheed, with SCS  
28. SJR 25-Libla, with SCS  
29. SB 140-Koenig, with SCS  
30. SJR 21-May  
31. SB 308-Onder

HOUSE BILLS ON THIRD READING

- |  |  |
|--|--|
| 1. HCS#2 for HB 499 (Schatz)                 | 30. HCS for HB 824 (Hoskins)                     |
| 2. HCS for HB 192, with SCS (Emery)          | 31. HB 587-Rone (Crawford)                       |
| 3. HB 485-Dogan, with SCS (Emery)            | 32. HCS for HB 346 (Wallingford)                 |
| (In Fiscal Oversight)                        | 33. HB 1061-Patterson (Hoskins)                  |
| 4. HCS for HB 564, with SCS (Koenig)         | 34. HB 470-Grier, with SCS (O'Laughlin)          |
| 5. HCS for HB 678, with SCS (Williams)       | 35. HB 186-Trent, with SCS (In Fiscal Oversight) |
| 6. HCS for HB 399, with SCS (Hoskins)        | 36. HCS for HB 466, with SCS (Riddle)            |
| 7. HB 126-Schroer, with SCS (Koenig)         | (In Fiscal Oversight)                            |
| 8. HB 138-Kidd (Wallingford)                 | 37. HCS for HB 229, with SCS (Wallingford)       |
| 9. HB 332-Lynch, with SCS (Wallingford)      | 38. HB 646-Rowland (In Fiscal Oversight)         |
| 10. HCS for HBs 243 & 544, with SCS (Arthur) | 39. HCS for HBs 161 & 401, with SCS              |
| 11. HCS for HB 220, with SCS (O'Laughlin)    | (Cunningham)                                     |
| 12. HB 821-Solon (Luetkemeyer)               | 40. HB 321-Solon (Luetkemeyer)                   |
| 13. HB 565-Morse, with SCS (Wallingford)     | 41. HCS for HB 67, with SCS (Luetkemeyer)        |
| 14. HCS for HB 447, with SCS (Riddle)        | (In Fiscal Oversight)                            |
| 15. HB 113-Smith, with SCS (Emery)           | 42. HB 240-Schroer, with SCS (Luetkemeyer)       |
| 16. HCS for HB 604, with SCS (Hoskins)       | 43. HB 337-Swan                                  |
| 17. HB 214-Trent (Hough)                     | 44. HB 267-Baker (Emery)                         |
| 18. HCS for HB 1088 (Hoskins)                | 45. HB 757-Bondon (Wieland)                      |
| 19. HB 355-Plocher, with SCS (Wallingford)   | 46. HB 942-Wiemann (Brown)                       |
| 20. HCS for HB 160, with SCS (White)         | 47. HB 815-Black (137) (Hough)                   |
| 21. HB 584-Knight, with SCS (Wallingford)    | 48. HB 705-Helms, with SCS (Riddle)              |
| 22. HB 599-Bondon, with SCS (Cunningham)     | 49. HCS for HB 301, with SCS (Burlison)          |
| 23. HB 1029-Bondon (Brown)                   | 50. HB 600-Bondon (Cunningham)                   |
| 24. HB 257-Stephens (Sater)                  | 51. HB 943-McGill (Hoskins)                      |
| 25. HB 563-Wiemann (Wallingford)             | 52. HB 372-Trent                                 |
| 26. HCS for HB 266, with SCS (Hoskins)       | 53. HCS for HB 438 (Brown)                       |
| 27. HCS for HB 959, with SCS (Cierpiot)      | 54. HCS for HB 1127 (Riddle)                     |
| 28. HCS for HB 333, with SCS (Crawford)      | 55. HCS for HB 400 (White)                       |
| 29. HB 461-Pfautsch (Brown)                  | 56. HB 966-Gregory                               |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- |   |  |
|---|--|
| SB 4-Sater                                  | SB 31-Wieland                            |
| SB 5-Sater, et al, with SCS                 | SB 39-Onder                              |
| SB 10-Cunningham, with SCS & SA 1 (pending) | SB 44-Hoskins, with SCS & SS#3 for SCS   |
| SB 14-Wallingford                           | (pending)                                |
| SB 16-Romine, with SCS, SS for SCS, SA 3    | SBs 46 & 50-Koenig, with SCS, SS for SCS |
| & point of order (pending)                  | & SA 6 (pending)                         |
| SB 19-Libla, with SA 1 (pending)            | SB 49-Rowden, with SCS                   |



SB 52-Eigel, with SCS  
 SB 56-Cierpiot, with SCS, SS for SCS &  
     SA 1 (pending)  
 SB 57-Cierpiot  
 SB 62-Burlison, with SCS  
 SB 65-White, with SS (pending)  
 SB 69-Hough  
 SB 76-Sater, with SCS (pending)  
 SB 78-Sater  
 SB 97-Hegeman, with SCS  
 SB 100-Riddle, with SS (pending)  
 SB 118-Cierpiot, with SCS  
 SB 132-Emery, with SCS  
 SB 141-Koenig  
 SB 150-Koenig, with SCS  
 SBs 153 & 117-Sifton, with SCS  
 SB 154-Luetkemeyer, with SS & SA 2  
     (pending)  
 SB 155-Luetkemeyer  
 SB 160-Koenig, with SCS, SS for SCS &  
     SA 2 (pending)  
 SB 168-Wallingford, with SCS  
 SB 201-Romine  
 SB 205-Arthur, with SCS  
 SB 211-Wallingford  
 SB 222-Hough  
 SB 225-Curls  
 SB 234-White  
 SB 252-Wieland, with SCS  
 SB 259-Romine, with SS & SA 3 (pending)

SB 276-Rowden, with SCS  
 SB 278-Wallingford, with SCS  
 SBs 279, 139 & 345-Onder and Emery,  
     with SCS  
 SB 292-Eigel, with SCS & SS#2 for SCS  
     (pending)  
 SB 293-Hough, with SCS  
 SB 296-Cierpiot, with SCS  
 SB 298-White, with SCS  
 SB 300-Eigel  
 SB 312-Eigel  
 SB 316-Burlison  
 SB 318-Burlison  
 SB 328-Burlison, with SCS  
 SB 332-Brown  
 SB 336-Schupp  
 SB 343-Eigel, with SCS  
 SB 344-Eigel, with SCS  
 SB 349-O'Laughlin, with SCS  
 SB 350-O'Laughlin  
 SB 354-Cierpiot, with SCS  
 SB 412-Holsman  
 SB 426-Williams  
 SB 431-Schatz, with SCS  
 SJR 1-Sater and Onder, with SS#2 & SA 1  
     (pending)  
 SJR 13-Holsman, with SCS, SS for SCS &  
     SA 1 (pending)  
 SJR 18-Cunningham

#### HOUSE BILLS ON THIRD READING

HCS for HB 169, with SCS (Romine)  
 HB 188-Rehder (Luetkemeyer)  
 HB 219-Wood (Sater)  
 HCS for HB 225, with SCS, SS for SCS &  
     SA 1 (pending) (Romine)  
 HCS for HB 255, with SS & SA 5 (pending)  
     (Cierpiot)

HCS for HB 469 (Wallingford)  
 SCS for HCS for HB 547 (Bernskoetter)  
     (In Fiscal Oversight)  
 HCS for HB 677, with SA 1 (pending)  
     (Cierpiot)  
 HB 831-Sharpe, with SS (pending) (Brown)

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SB 53-Crawford, with HCS, as amended	HCS for HB 7, with SS for SCS (Hegeman)
SB 133-Cunningham, with HCS	HCS for HB 8, with SCS (Hegeman)
HCS for HB 2, with SCS (Hegeman)	HCS for HB 9, with SCS (Hegeman)
HCS for HB 3, with SCS (Hegeman)	HCS for HB 10, with SS for SCS (Hegeman)
HCS for HB 4, with SCS (Hegeman)	HCS for HB 11, with SCS (Hegeman)
HCS for HB 5, with SCS (Hegeman)	HCS for HB 12, with SCS (Hegeman)
HCS for HB 6, with SCS (Hegeman)	HCS for HB 13, with SCS (Hegeman)

Requests to Recede or Grant Conference

SB 182-Cierpiot, et al, with HCS, as amended (Senate requests House recede or grant conference)	HCS for HB 397, with SS for SCS, as amended (Riddle) (House requests Senate recede or grant conference)
SB 368-Hough, with HA 1, HA 2, HA 3, HA 4, HA 5, HA 6, HA 7 & HA 8 (Senate requests House recede or grant conference)	

RESOLUTIONS

SR 20-Holsman

SR 731-Hoskins

Reported from Committee

SCR 8-Holsman  
SCR 15-Burlison  
SCR 19-Eigel  
SCR 21-May  
SCR 22-Holsman

SCR 23-Luetkemeyer  
SCR 24-Hegeman and Luetkemeyer  
SCR 26-Bernskoetter  
HCS for HCR 16 (Hoskins)  
HCR 18-Spencer (Eigel)

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# Journal of the Senate

## FIRST REGULAR SESSION

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**SIXTY-SECOND DAY—MONDAY, MAY 6, 2019**

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The Senate met pursuant to adjournment.

Senator Hough in the Chair.

Reverend Carl Gauck offered the following prayer:

“...For the Lord your God is with you wherever you go.” (Joshua 1:9)

Gracious God as we begin this new week we are thankful for our safe travel and ask that You help us always be mindful that You have given us this day to use that we might be helpful to others. Continue to show us our responsibilities of the things that are set before us and may we do that which is truly important and must be done. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, May 2, 2019 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

## RESOLUTIONS

Senator Sifton offered Senate Resolution No. 862, regarding Jill R. Wojewuczki, St. Louis, which was adopted.

Senator Hegeman offered Senate Resolution No. 863, regarding Donna Craig, Ridgeway, which was adopted.

Senator Hegeman offered Senate Resolution No. 864, regarding Luella Walter, Maryville, which was adopted.

Senator Hegeman offered Senate Resolution No. 865, regarding William Pollard, Cameron, which was adopted.

Senator Hegeman offered Senate Resolution No. 866, regarding Guy Earl and Julie Evoritt, Princeton, which was adopted.

Senator Arthur offered Senate Resolution No. 867, regarding Lou Paris, Kansas City, which was adopted.

Senator Schupp offered Senate Resolution No. 868, regarding Robert Green, which was adopted.

Senator Schupp offered Senate Resolution No. 869, regarding Abby Susman, which was adopted.

Senator Schupp offered Senate Resolution No. 870, regarding Charlotte McClure, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 871, regarding Margaret Wilson, Tuscumbia, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 872, regarding Dr. Donald Broman, Linn, which was adopted.

Senator Riddle offered Senate Resolution No. 873, regarding the Fiftieth Wedding Anniversary of Earl F. and Lois Ann Adams, Fulton, which was adopted.

Senator Brown offered Senate Resolution No. 874, regarding Sharon Meusch, which was adopted.

Senator Romine offered Senate Resolution No. 875, regarding Cynthia M. Nickelson, Ste. Genevieve, which was adopted.

Senator Romine offered Senate Resolution No. 876, regarding Kathy Crocker, Ironton, which was adopted.

Senator Romine offered Senate Resolution No. 877, regarding Yvonne Rene Perry, De Soto, which was adopted.

Senator White offered Senate Resolution No. 878, regarding Darian Doser, which was adopted.

Senator Riddle offered Senate Resolution No. 879, regarding Lisa Wiler, New Bloomfield, which was adopted.

Senator Riddle offered Senate Resolution No. 880, regarding Wendle Lea Akers, New Bloomfield, which was adopted.

Senator Sater offered Senate Resolution No. 881, regarding Robert E. Lea, which was adopted.

Senator Sater offered Senate Resolution No. 882, regarding Leota Pratt, Branson, which was adopted.

Senator White offered Senate Resolution No. 883, regarding Allen Dale Davenport, Carterville, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 884, regarding Saydi Vandel, Versailles, which was adopted.

Senator Emery offered Senate Resolution No. 885, regarding Julio Gracida-Basurto, Belton, which was adopted.

Senator Hoskins offered Senate Resolution No. 886, regarding Eagle Scout Powell A. C. Medlock, Odessa, which was adopted.

Senator Hoskins offered Senate Resolution No. 887, regarding Ethan Bowers, Lawson, which was adopted.

Senator Walsh offered Senate Resolution No. 888, regarding Soroptimist International of Greater St. Louis, which was adopted.

Senator Koenig offered Senate Resolution No. 889, regarding Victoria Ariel Hooker, Waynesville, which was adopted.

### **HOUSE BILLS ON SECOND READING**

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

**HCS for HB 576**—Education.

**HB 868**—Judiciary and Civil and Criminal Jurisprudence.

**HB 1002**—Transportation, Infrastructure and Public Safety.

**HB 489**—Government Reform.

**HB 1049**—Insurance and Banking.

**HCS for HB 17**—Appropriations.

**HCS for HB 18**—Appropriations.

**HCS for HB 19**—Appropriations.

**HJR 54**—Progress and Development.

**HB 585**—Professional Registration.

**HB 632**—Insurance and Banking.

### **REFERRALS**

President Pro Tem Schatz referred **HB 337; HB 600; HB 943; HCS for HB 400; HB 705**, with **SCS; HB 240**, with **SCS**; and **HB 966** to the Committee on Fiscal Oversight.

### **REPORTS OF STANDING COMMITTEES**

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Fiscal Oversight, to which was referred **SS No. 4** for **SB 224**, begs leave to report that it has considered the same and recommends that the bill do pass.

**SENATE BILLS FOR THIRD READING**

**SS No. 4 for SB 224**, introduced by Senator Luetkemeyer, entitled:

SENATE SUBSTITUTE NO. 4 FOR  
SENATE BILL NO. 224

An Act to amend supreme court rules, 25.02, 25.03, 56.01, 57.01, 57.03, 57.04, 58.01, 59.01, and 61.01, relating to discovery.

Was taken up.

On motion of Senator Luetkemeyer, **SS No. 4 for SB 224** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Eigel
Emery	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	Nasheed
O’Laughlin	Onder	Riddle	Romine	Rowden	Sater	Schatz
Wallingford	White	Wieland—24				

NAYS—Senators

Arthur	Curls	Holsman	May	Rizzo	Schupp	Sifton
Walsh	Williams—9					

Absent—Senator Libla—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Luetkemeyer, title to the bill was agreed to.

Senator Luetkemeyer moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1, HA 2, HA 3, HA 4, HA 5, HA 6, HA 7, and HA 8** to **SB 368**, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **HCS** for **HB 694** and has taken up and passed **SS** for **HCS** for **HB 694**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 196**, entitled:

An Act to repeal sections 253.080 and 253.403, RSMo, and to enact in lieu thereof three new sections relating to the division of state parks.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 196, Page 3, Section 253.177, Line 10, by inserting after the word, “**maintaining**,” the word, “**developing**,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 196, Page 1, Section 253.080, Lines 6-7, by deleting said lines and inserting in lieu thereof the following:

“appropriated funds **unless the director has entered into an agreement with a donor to provide non-state funds as support funding for the project.**”; and

Further amend said bill and section, Page 3, Line 58, by inserting after the word “**permit**” the following:

“**shall be subject to terms and conditions established by the director and**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 83**.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 to House Amendment No. 2, and House Amendment No. 2 as amended.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 83, Page 1, In the Title, Line 3, by deleting the phrase “child relocation” and inserting in lieu thereof the phrase “court proceedings”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to Senate Committee Substitute for Senate Bill No. 83, Page 1, Line 4, by inserting before the number “**528.700.**” the following:

“452.402. 1. The court may grant reasonable visitation rights to the grandparents of the child and issue any necessary orders to enforce the decree. The court may grant grandparent visitation when:

(1) The parents of the child have filed for a dissolution of their marriage. A grandparent shall have the right to intervene in any dissolution action solely on the issue of visitation rights. Grandparents shall also

have the right to file a motion to modify the original decree of dissolution to seek visitation rights when visitation has been denied to them; or

(2) One parent of the child is deceased and the surviving parent denies reasonable visitation to a parent of the deceased parent of the child; or

(3) The child has resided in the grandparent's home for at least six months within the twenty-four month period immediately preceding the filing of the petition; [and] **or**

(4) A grandparent is unreasonably denied visitation with the child for a period exceeding [ninety] **thirty** days. However, if the natural parents are legally married to each other and are living together with the child, a grandparent may not file for visitation pursuant to this subdivision.

2. The court shall determine if the visitation by the grandparent would be in the child's best interest or if it would endanger the child's physical health or impair the child's emotional development. Visitation may only be ordered when the court finds such visitation to be in the best interests of the child. However, when the parents of the child are legally married to each other and are living together with the child, it shall be a rebuttable presumption that such parents know what is in the best interest of the child. The court may order reasonable conditions or restrictions on grandparent visitation.

3. If the court finds it to be in the best interests of the child, the court may appoint a guardian ad litem for the child. The guardian ad litem shall be an attorney licensed to practice law in Missouri. The guardian ad litem may, for the purpose of determining the question of grandparent visitation rights, participate in the proceedings as if such guardian ad litem were a party. The court shall enter judgment allowing a reasonable fee to the guardian ad litem.

4. A home study, as described by section 452.390, may be ordered by the court to assist in determining the best interests of the child.

5. The court may, in its discretion, consult with the child regarding the child's wishes in determining the best interest of the child.

6. The right of a grandparent to maintain visitation rights pursuant to this section may terminate upon the adoption of the child.

7. The court may award reasonable attorneys fees and expenses to the prevailing party.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2 TO HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to Senate Committee Substitute for Senate Bill No. 83, Page 1, Line 4, by inserting before the number “**528.700.**” the following:

“476.001. An efficient, well operating and productive judiciary is essential to the preservation of the people's liberty and prosperity. In order to achieve this goal, the general assembly and the supreme court must constantly be aware of the operations, needs, strengths and weaknesses of the judicial system. It is the purpose of sections 476.001, 476.055, 476.330 to 476.380, 476.412, 476.681, and 477.405 to provide the general assembly and the supreme court with the mechanisms to obtain on a continuing basis a comprehensive analysis of judicial resources and an efficient and organized method of identifying the problems and needs as they occur. It is the further purpose of sections 476.001, 476.055, 476.330 to



476.380, 476.412, 476.681, 477.405, 478.073, **and** 478.320], and subdivision (12) of subsection 1 of section 600.042] to provide a system for the efficient allocation of available personnel, facilities and resources to achieve a uniform and effective operation of the judicial system.”; and

Further amend said amendment, Page 6, Line 1, by deleting the words “**provisions.**”; and” and inserting in lieu thereof the following:

**“provisions.**

600.042. 1. The director shall:

(1) Direct and supervise the work of the deputy directors and other state public defender office personnel appointed pursuant to this chapter; and he or she and the deputy director or directors may participate in the trial and appeal of criminal actions at the request of the defender;

(2) Submit to the commission, between August fifteenth and September fifteenth of each year, a report which shall include all pertinent data on the operation of the state public defender system, the costs, projected needs, and recommendations for statutory changes. Prior to October fifteenth of each year, the commission shall submit such report along with such recommendations, comments, conclusions, or other pertinent information it chooses to make to the chief justice, the governor, and the general assembly. Such reports shall be a public record, shall be maintained in the office of the state public defender, and shall be otherwise distributed as the commission shall direct;

(3) With the approval of the commission, establish such divisions, facilities and offices and select such professional, technical and other personnel, including investigators, as he deems reasonably necessary for the efficient operation and discharge of the duties of the state public defender system under this chapter;

(4) Administer and coordinate the operations of defender services and be responsible for the overall supervision of all personnel, offices, divisions and facilities of the state public defender system, except that the director shall have no authority to direct or control the legal defense provided by a defender to any person served by the state public defender system;

(5) Develop programs and administer activities to achieve the purposes of this chapter;

(6) Keep and maintain proper financial records with respect to the provision of all public defender services for use in the calculating of direct and indirect costs of any or all aspects of the operation of the state public defender system;

(7) Supervise the training of all public defenders and other personnel and establish such training courses as shall be appropriate;

(8) With approval of the commission, promulgate necessary rules, regulations and instructions consistent with this chapter defining the organization of the state public defender system and the responsibilities of division directors, district defenders, deputy district defenders, assistant public defenders and other personnel;

(9) With the approval of the commission, apply for and accept on behalf of the public defender system any funds which may be offered or which may become available from government grants, private gifts, donations or bequests or from any other source. Such moneys shall be deposited in the state general revenue fund;

(10) Contract for legal services with private attorneys on a case-by-case basis and with assigned counsel

as the commission deems necessary considering the needs of the area, for fees approved and established by the commission;

(11) With the approval and on behalf of the commission, contract with private attorneys for the collection and enforcement of liens and other judgments owed to the state for services rendered by the state public defender system[;]

(12) Prepare a plan to establish district offices, the boundaries of which shall coincide with existing judicial circuits. Any district office may contain more than one judicial circuit within its boundaries, but in no event shall any district office boundary include any geographic region of a judicial circuit without including the entire judicial circuit. The director shall submit the plan to the chair of the house judiciary committee and the chair of the senate judiciary committee, with fiscal estimates, by December 31, 2014. The plan shall be implemented by December 31, 2021[.].

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

3. The director and defenders shall, within guidelines as established by the commission and as set forth in subsection 4 of this section, accept requests for legal services from eligible persons entitled to counsel under this chapter or otherwise so entitled under the constitution or laws of the United States or of the state of Missouri and provide such persons with legal services when, in the discretion of the director or the defenders, such provision of legal services is appropriate.

4. The director and defenders shall provide legal services to an eligible person:

(1) Who is detained or charged with a felony, including appeals from a conviction in such a case;

(2) Who is detained or charged with a misdemeanor which will probably result in confinement in the county jail upon conviction, including appeals from a conviction in such a case, unless the prosecuting or circuit attorney has waived a jail sentence;

(3) Who is charged with a violation of probation when it has been determined by a judge that the appointment of counsel is necessary to protect the person's due process rights under section 559.036;

(4) Who has been taken into custody pursuant to section 632.489, including appeals from a determination that the person is a sexually violent predator and petitions for release, notwithstanding any provisions of law to the contrary;

(5) For whom the federal constitution or the state constitution requires the appointment of counsel; and

(6) Who is charged in a case in which he or she faces a loss or deprivation of liberty, and in which the federal or the state constitution or any law of this state requires the appointment of counsel; however, the director and the defenders shall not be required to provide legal services to persons charged with violations of county or municipal ordinances, or misdemeanor offenses except as provided in this section.

5. The director may:

(1) Delegate the legal representation of an eligible person to any member of the state bar of Missouri;

(2) Designate persons as representatives of the director for the purpose of making indigency determinations and assigning counsel.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 83, Page 5, Section 452.377, Line 127, by inserting after all of said section and line the following:

**“528.700. 1. The provisions of sections 528.700 to 528.750 shall be known and may be cited as the “Save the Family Farm Act”.**

**2. For purposes of sections 528.700 to 528.750, the following terms and phrases shall mean:**

**(1) “Ascendant”, an individual who precedes another individual in lineage, in the direct line of ascent from the other individual;**

**(2) “Collateral”, an individual who is related to another individual under the law of intestate succession of this state but who is not the other individual’s ascendant or descendant;**

**(3) “Descendant”, an individual who follows another individual in lineage, in the direct line of descent from the other individual;**

**(4) “Determination of value”, a court order determining the fair market value of heirs’ property under section 528.720 or 528.740 or adopting the valuation of the property agreed to by all cotenants;**

**(5) “Heirs’ property”, real property held in tenancy in common that satisfies all of the following requirements as of the filing of a partition action:**

**(a) There is no agreement in a record binding all the cotenants that governs the partition of the property;**

**(b) One or more of the cotenants acquired title from a relative, whether living or deceased; and**

**(c) Any of the following applies:**

**a. Twenty percent or more of the interests are held by cotenants who are relatives;**

**b. Twenty percent or more of the interests are held by an individual who acquired title from a relative, whether living or deceased; or**

**c. Twenty percent or more of the cotenants are relatives;**

**(6) “Partition by sale”, a court-ordered sale of the entire heirs’ property, whether by auction, sealed bids, or open-market sale conducted under section 528.740;**

**(7) “Partition in kind”, the division of heirs’ property into physically distinct and separately titled parcels;**

**(8) “Record”, information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;**

**(9) “Relative”, an ascendant, descendant, or collateral or an individual otherwise related to another individual by blood, marriage, adoption, or law of this state other than the provisions of sections 528.700 to 528.750.**

**528.705. 1. Sections 528.700 to 528.750 shall apply to partition actions filed on or after August 28, 2019.**

**2. In an action to partition real property under this chapter, the court shall determine whether the property is heirs’ property. If the court determines that the property is heirs’ property, the**

property shall be partitioned under sections 528.700 to 528.750 unless all of the cotenants otherwise agree in a record.

3. Sections 528.700 to 528.750 shall supplement sections 528.010 to 528.640 and Missouri supreme court rule 96.

528.710. 1. Sections 528.700 to 528.750 shall not limit or affect the method by which service of a complaint in a partition action may be made.

2. If the plaintiff in a partition action seeks an order of notice by publication and the court determines that the property may be heirs' property, the plaintiff, no later than ten days after the court's determination, shall post and maintain, while the action is pending, a conspicuous sign on the property that is the subject of the action. The sign shall state that the action has commenced and identify the name and address of the court and the common designation by which the property is known. The court may require the plaintiff to publish on the sign the name of the plaintiff and the known defendants.

528.715. If the court appoints commissioners under supreme court rule 96, each commissioner, in addition to the requirements and disqualifications applicable to commissioners in supreme court rule 96, shall be disinterested and impartial and not a party to or a participant in the action.

528.720. 1. Except as otherwise provided in subsections 2 and 3 of this section, if the court determines that the property that is the subject of a partition action is heirs' property, the court shall determine the fair market value of the property by ordering a certified appraisal under subsection 4 of this section.

2. If all cotenants have agreed to the value of the property or to another method of valuation, the court shall adopt that value or the value produced by the agreed method of valuation.

3. If the court determines that the evidentiary value of an appraisal is outweighed by the cost of the appraisal, the court, after an evidentiary hearing, shall determine the fair market value of the property and send notice to the parties of the value.

4. If the court orders a certified appraisal, the court shall appoint a disinterested real estate appraiser licensed in this state to determine the fair market value of the property assuming sole ownership of the fee simple estate. On completion of the appraisal, the appraiser shall file a sworn or verified appraisal with the court.

5. If an appraisal is conducted under subsection 4 of this section, no later than ten days after the appraisal is filed, the court shall send notice to each party with a known address, stating:

(1) The appraised fair market value of the property;

(2) That the appraisal is available at the clerk's office; and

(3) That a party may file with the court an objection to the appraisal no later than thirty days after the notice is sent stating the grounds for the objection.

6. If an appraisal is filed with the court under subsection 4 of this section, the court shall conduct a hearing to determine the fair market value of the property no sooner than thirty days after a copy of the notice of the appraisal is sent to each party under subsection 5 of this section regardless of whether an objection to the appraisal is filed under subdivision (3) of subsection 5 of this section. In

addition to the court-ordered appraisal, the court may consider any other evidence of value offered by a party.

7. After a hearing under subsection 6 of this section but before considering the merits of the partition action, the court shall determine the fair market value of the property and send notice to the parties of the value.

528.725. 1. If any cotenant has requested partition by sale after the determination of value under section 528.720, the court shall send notice to the parties that any cotenant, except a cotenant that requested partition by sale, may buy all the interests of the cotenants that requested partition by sale.

2. No later than forty-five days after the notice is sent under subsection 1 of this section, any cotenant, except a cotenant that requested partition by sale, may give notice to the court that it elects to buy all the interests of the cotenants that requested partition by sale.

3. The purchase price for each of the interests of a cotenant that requested partition by sale is the value of the entire parcel determined under section 528.720 multiplied by the cotenant's fractional ownership of the entire parcel.

4. After expiration of the period in subsection 2 of this section, the following rules shall apply:

(1) If only one cotenant elects to buy all the interests of the cotenants that requested partition by sale, the court shall notify all the parties of that fact;

(2) If more than one cotenant elects to buy all the interests of the cotenants that requested partition by sale, the court shall allocate the right to buy those interests among the electing cotenants based on each electing cotenant's existing fractional ownership of the entire parcel divided by the total existing fractional ownership of all cotenants electing to buy and send notice to all the parties of that fact and of the price to be paid by each electing cotenant;

(3) If no cotenant elects to buy all the interests of the cotenants that requested partition by sale, the court shall send notice to all the parties of that fact and resolve the partition action under subsection 1 or 2 of section 528.730.

5. If the court sends notice to the parties under subdivision (1) or (2) of subsection 4 of this section, the court shall set a date, no sooner than sixty days after the date the notice was sent, by which electing cotenants shall pay their apportioned price into the court. After this date, the following rules shall apply:

(1) If all electing cotenants timely pay their apportioned price into court, the court shall issue an order reallocating all the interests of the cotenants and disburse the amounts held by the court to the persons entitled to them;

(2) If no electing cotenant timely pays its apportioned price, the court shall resolve the partition action under subsection 1 or 2 of section 528.730 as if the interests of the cotenants that requested partition by sale were not purchased; or

(3) If one or more but not all of the electing cotenants fail to pay their apportioned price on time, the court, on motion, shall give notice to the electing cotenants that paid their apportioned price of the interest remaining and the price for all that interest.

6. No later than twenty days after the court gives notice under subdivision (3) of subsection 5 of

this section, any cotenant that paid may elect to purchase all of the remaining interest by paying the entire price into the court. After the twenty-day period, the following rules shall apply:

(1) If only one cotenant pays the entire price for the remaining interest, the court shall issue an order reallocating the remaining interest to that cotenant. The court shall promptly issue an order reallocating the interests of all of the cotenants and disburse the amounts held by the court to the persons entitled to such amounts;

(2) If no cotenant pays the entire price for the remaining interest, the court shall resolve the partition action under subsection 1 or 2 of section 528.730 as if the interests of the cotenants that requested partition by sale were not purchased; or

(3) If more than one cotenant pays the entire price for the remaining interest, the court shall reapportion the remaining interest among those paying cotenants based on each paying cotenant's original fractional ownership of the entire parcel divided by the total original fractional ownership of all cotenants that paid the entire price for the remaining interest. The court shall promptly issue an order reallocating all of the cotenants' interests, disburse the amounts held by the court to the persons entitled to such amounts, and promptly refund any excess payment held by the court.

7. No later than forty-five days after the court sends notice to the parties under subsection 1 of this section, any cotenant entitled to buy an interest under this section may request the court to authorize the sale as part of the pending action of the interests of cotenants named as defendants and served with the complaint but that did not appear in the action.

8. If the court receives a timely request under subsection 7 of this section, the court, after hearing, may deny the request or authorize the requested additional sale on such terms as the court determines are fair and reasonable, subject to the following limitations:

(1) A sale authorized under this subsection may occur only after the purchase prices for all interests subject to sale under subsections 1 to 6 of this section have been paid into court and those interests have been reallocated among the cotenants as provided in subsections 1 to 6 of this section; and

(2) The purchase price for the interest of a nonappearing cotenant is based on the court's determination of value under section 528.720.

528.730. 1. If all the interests of all cotenants that requested partition by sale are not purchased by other cotenants under section 528.725, or, if after conclusion of the buyout under section 528.725, a cotenant that has requested partition in kind remains, the court shall order partition in kind unless the court, after consideration of the factors listed in section 528.735, finds that partition in kind will result in great prejudice to the cotenants as a group. In considering whether to order partition in kind, the court shall approve a request by two or more parties to have their individual interests aggregated.

2. If the court does not order partition in kind under subsection 1 of this section, the court shall order partition by sale under section 528.740 or, if no cotenant requested partition by sale, the court shall dismiss the action.

3. If the court orders partition in kind under subsection 1 of this section, the court may require that one or more cotenants pay one or more other cotenants amounts so that the payments, taken

together with the value of the in-kind distributions to the cotenants, will make the partition in kind just and proportionate in value to the fractional interests held.

4. If the court orders partition in kind, the court shall allocate to the cotenants that are unknown, unlocatable, or the subject of a default judgment, if their interests were not bought out under section 528.725, a part of the property representing the combined interests of these cotenants as determined by the court, and that part of the property shall remain undivided.

528.735. 1. In determining, under subsection 1 of section 528.730, whether partition in kind would result in great prejudice to the cotenants as a group, the court shall consider the following:

(1) Whether the heirs' property practicably can be divided among the cotenants;

(2) Whether partition in kind would apportion the property in such a way that the aggregate fair market value of the parcels resulting from the division would be materially less than the value of the property if it were sold as a whole, taking into account the condition under which a court-ordered sale likely would occur;

(3) Evidence of the collective duration of ownership or possession of the property by a cotenant and one or more predecessors in title or predecessors in possession to the cotenant who are or were relatives of the cotenant or each other;

(4) A cotenant's sentimental attachment to the property, including any attachment arising because the property has ancestral or other unique or special value to the cotenant;

(5) The lawful use being made of the property by a cotenant and the degree to which the cotenant would be harmed if the cotenant could not continue the same use of the property;

(6) The degree to which the cotenants have contributed their pro rata share of the property taxes, insurance, and other expenses associated with maintaining ownership of the property or have contributed to the physical improvement, maintenance, or upkeep of the property; and

(7) Any other relevant factor.

2. The court shall not consider any one factor in subsection 1 of this section to be dispositive without weighing the totality of all relevant factors and circumstances.

528.740. 1. If the court orders a sale of heirs' property, the sale shall be an open-market sale unless the court finds that a sale by sealed bids or an auction would be more economically advantageous and in the best interest of the cotenants as a group.

2. If the court orders an open-market sale and the parties, no later than ten days after the entry of the order, agree on a real estate broker licensed in this state to offer the property for sale, the court shall appoint the broker and establish a reasonable commission. If the parties do not agree on a broker, the court shall appoint a disinterested real estate broker licensed in this state to offer the property for sale and shall establish a reasonable commission. The broker shall offer the property for sale in a commercially reasonable manner at a price no lower than the determination of value and on the terms and conditions established by the court. If the court finds that an auction company is more advantageous to the cotenants as a group, it has the discretion to appoint an auction company to conduct the sale required under this subsection.

3. If the broker appointed under subsection 2 of this section obtains within a reasonable time an

offer to purchase the property for at least the determination of value:

(1) The broker shall comply with the reporting requirements in section 528.745; and

(2) The sale may be completed in accordance with state law other than sections 528.700 to 528.750.

4. If the broker appointed under subsection 2 of this section does not obtain within a reasonable time an offer to purchase the property for at least the determination of value, the court, after hearing, may:

(1) Approve the highest outstanding offer, if any;

(2) Redetermine the value of the property and order that the property continue to be offered for an additional time; or

(3) Order that the property be sold by sealed bids or at an auction.

5. If the court orders a sale by sealed bids or an auction, the court shall set terms and conditions of the sale. If the court orders a sale, the sale shall be conducted under supreme court rule 96.

6. If a purchaser is entitled to a share of the proceeds of the sale, the purchaser is entitled to a credit against the price in an amount equal to the purchaser's share of the proceeds.

**528.745. 1.** Unless required to do so within a shorter time by supreme court rule 96, a broker appointed under subsection 2 of section 528.740 to offer heirs' property for open-market sale shall file a report with the court no later than seven days after receiving an offer to purchase the property for at least the value determined under section 528.720 or 528.740.

2. The report required under subsection 1 of this section shall contain the following information:

(1) A description of the property to be sold to each buyer;

(2) The name of each buyer;

(3) The proposed purchase price;

(4) The terms and conditions of the proposed sale, including the terms of any owner financing;

(5) The amounts to be paid to lienholders;

(6) A statement of contractual or other arrangements or conditions of the broker's commission; and

(7) Other material facts relevant to the sale.

**528.750.** In applying and construing sections 528.700 to 528.750, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact such substantially similar provisions.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 17**.



With House Amendment Nos. 1, 2, 3, 4, and 5.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 17, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the words, “to public employee retirement systems.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 17, Page 3, Section B, Lines 3 and 5, by inserting before the term, “section A” on each line the following:

“section 169.560 of”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend Senate Bill No. 17, Page 1, Section A, Line 2, by inserting after all of said line the following:

“70.600. The following words and phrases as used in sections 70.600 to 70.755, unless a different meaning is plainly required by the context, shall mean:

(1) “Accumulated contributions”, the total of all amounts deducted from the compensations of a member and standing to the member’s credit in his or her individual account in the members deposit fund, together with investment credits thereon;

(2) “Actuarial equivalent”, a benefit of equal reserve value;

(3) “Allowance”, the total of the annuity and the pension. All allowances shall be paid not later than the tenth day of each calendar month;

(4) “Annuity”, a monthly amount derived from the accumulated contributions of a member and payable by the system throughout the life of a person or for a temporary period;

(5) “Beneficiary”, any person who is receiving or designated to receive a system benefit, except a retiree;

(6) “Benefit program”, a schedule of benefits or benefit formulas from which the amounts of system benefits can be determined;

(7) “Board of trustees” or “board”, the board of trustees of the system;

(8) “Compensation”, the remuneration paid an employee by a political subdivision or by an elected fee official of the political subdivision for personal services rendered by the employee for the political subdivision or for the elected fee official in the employee’s public capacity; provided, that for an elected fee official, “compensation” means that portion of his or her fees which is net after deduction of (a) compensation paid by such elected fee official to his or her office employees, if any, and (b) the ordinary and necessary expenses paid by such elected fee official and attributable to the operation of his or her office. In cases where an employee’s compensation is not all paid in money, the political subdivision shall fix the reasonable value of the employee’s compensation not paid in money. In determining compensation no consideration shall be given to:

(a) Any nonrecurring single sum payment paid by an employer;

(b) Employer contributions to any employee benefit plan or trust;

(c) Any other unusual or nonrecurring remuneration; or

(d) Compensation in excess of the limitations set forth in Internal Revenue Code Section 401(a)(17). The limitation on compensation for eligible employees shall not be less than the amount which was allowed to be taken into account under the system as in effect on July 1, 1993. For purposes of this paragraph, an “eligible employee” is an individual who was a member of the system before the first plan year beginning after December 31, 1995;

(9) “Credited service”, the total of a member’s prior service and membership service, to the extent such service is standing to the member’s credit as provided in sections 70.600 to 70.755;

(10) “Employee”, any person regularly employed by a political subdivision who receives compensation from the political subdivision for personal services rendered the political subdivision, including any elected official of the political subdivision whose position requires his or her regular personal services and who is compensated wholly or in part on a fee basis, and including the employees of such elected fee officials who may be compensated by such elected fee officials. The term “employee” may include any elected county official. The term “employee” shall not include any person:

(a) Who is not an elected official of the political subdivision and who is included as an active member in any other plan similar in purpose to this system by reason of his or her employment with his or her political subdivision, except the federal Social Security Old Age, Survivors, and Disability Insurance Program, as amended; or

(b) Who acts for the political subdivision under contract; or

(c) Who is paid wholly on a fee basis, except elected officials and their employees; or

(d) Who holds the position of mayor, presiding judge, president or chairman of the political subdivision or is a member of the governing body of the political subdivision; except that, such an official of a political subdivision having ten or more other employees may become a member if the official is covered under the federal Social Security Old Age, Survivors, and Disability Insurance Program, as amended, by reason of such official’s employment with his or her political subdivision, by filing written application for membership with the board after the date the official qualifies for such position or within thirty days after the date his or her political subdivision becomes an employer, whichever date is later;

(11) “Employer”, any political subdivision which has elected to have all its eligible employees covered by the system;

(12) “Final average salary”, the monthly average of the compensations paid an employee during the period of sixty or, if an election has been made in accordance with section 70.656, thirty-six consecutive months of credited service producing the highest monthly average, which period is contained within the period of one hundred twenty consecutive months of credited service immediately preceding his or her termination of membership. Should a member have less than sixty or, if an election has been made in accordance with section 70.656, thirty-six months of credited service, “final average salary” means the monthly average of compensation paid the member during his or her total months of credited service;

(13) “Fireman”, any regular or permanent employee of the fire department of a political subdivision, including a probationary fireman. The term “fireman” shall not include:

(a) Any volunteer fireman; or

(b) Any civilian employee of a fire department; or

(c) Any person temporarily employed as a fireman for an emergency;

(14) “Member”, any employee included in the membership of the system;

(15) “Membership service”, employment as an employee with the political subdivision from and after the date such political subdivision becomes an employer, which employment is creditable as service hereunder;

(16) “Minimum service retirement age”, age sixty for a member who is neither **public safety personnel as defined in section 70.631**, a policeman, nor a fireman; “minimum service retirement age”, age fifty-five for a member who is **public safety personnel as defined in section 70.631**, a policeman, or a fireman;

(17) “Pension”, a monthly amount derived from contributions of an employer and payable by the system throughout the life of a person or for a temporary period;

(18) “Policeman”, any regular or permanent employee of the police department of a political subdivision, including a probationary policeman. The term “policeman” shall not include:

(a) Any civilian employee of a police department; or

(b) Any person temporarily employed as a policeman for an emergency;

(19) “Political subdivision”, any governmental subdivision of this state created pursuant to the laws of this state, and having the power to tax, except public school districts; a board of utilities or a board of public works which is required by charter or ordinance to establish the compensation of employees of the utility separate from the compensation of other employees of the city may be considered a political subdivision for purposes of sections 70.600 to 70.755; a joint municipal utility commission may be considered a political subdivision for purposes of sections 70.600 to 70.755;

(20) “Prior service”, employment as an employee with the political subdivision prior to the date such political subdivision becomes an employer, which employment is creditable as service hereunder;

(21) “Regular interest” or “investment credits”, such reasonable rate or rates per annum, compounded annually, as the board shall adopt annually;

(22) “Reserve”, the present value of all payments to be made on account of any system benefit based upon such tables of experience and regular interest as the board shall adopt from time to time;

(23) “Retirant”, a former member receiving a system allowance by reason of having been a member;

(24) “Retirement system” or “system”, the Missouri local government employees’ retirement system.

**70.631. 1. Each political subdivision may, by majority vote of its governing body, elect to cover emergency telecommunicators, jailors, and emergency medical service personnel as public safety personnel members of the system. The clerk or secretary of the political subdivision shall certify an election concerning the coverage of emergency telecommunicators, jailors, and emergency medical service personnel as public safety personnel members of the system to the board within ten days after such vote. The date in which the political subdivision’s election becomes effective shall be the first day of the calendar month specified by such governing body, the first day of the calendar month next following receipt by the board of the certification of the election, or the effective date of the political subdivision’s becoming an employer, whichever is the latest date. Such election shall not be changed after the effective date. If the election is made, the coverage provisions shall be applicable to all past**

**and future employment with the employer by present and future employees. If a political subdivision makes no election under this section, no emergency telecommunicator, jailor, or emergency medical service personnel of the political subdivision shall be considered public safety personnel for purposes determining a minimum service retirement age as defined in section 70.600.**

**2. If an employer elects to cover emergency telecommunicators, jailors, and emergency medical service personnel as public safety personnel members of the system, the employer's contributions shall be correspondingly changed effective the same date as the effective date of the political subdivision's election.**

**3. The limitation on increases in an employer's contributions provided by subsection 6 of section 70.730 shall not apply to any contribution increase resulting from an employer making an election under the provisions of this section.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend Senate Bill No. 17, Page 3, Section 169.560, Line 66, by inserting after all of said line the following:

“215.030. 1. The commission is hereby granted, has and may exercise all powers necessary or appropriate to carry out and effectuate its purpose, including but not limited to the following:

(1) To make, purchase, or participate in the purchase of uninsured, partially insured, or fully insured loans, including mortgages insured or otherwise guaranteed by the federal government, or mortgages insured or otherwise guaranteed by other insurers of mortgages to approved mortgagors to finance the building, rehabilitation, or purchase of residential housing designed and planned to be available for rental or sale to low-income or moderate-income persons or families, as well as to finance the building, rehabilitation, or purchase of residential housing in distressed communities as defined in section 135.530 planned to be available for rental or sale to persons or families of any income level, or which will be occupied and owned by low-income or moderate-income persons, persons of any income level in distressed communities, or families upon such terms as designated in sections 215.010, 215.030, 215.060, 215.070, 215.090, and 215.160; or to purchase or participate in the purchase of any other securities which are secured, directly or indirectly, by any such loan;

(2) Insure any loan, the funds of which are to be used for the purposes of sections 215.010 to 215.250 and the borrower of which agrees to the restrictions placed on such projects by the commission;

(3) To make or participate in the making of uninsured or federally insured construction loans to approve mortgagors of residential housing for occupancy by persons and families of low to moderate income or occupancy by persons and families of any income level in distressed communities as defined in section 135.530. Such loans shall be made only upon determination by the commission that construction loans are not otherwise available, wholly or in part, from private lenders upon reasonably equivalent terms and conditions. No commitment for a loan, except a “commitment in principle”, shall be made unless all plans for development have been completed and submitted to the commission;

(4) To make temporary loans, with or without interest, but with such security for repayment as the commission deems reasonably necessary and practicable, to defray development costs to approved mortgagors of residential housing for occupancy by persons and families of low and moderate income;

(5) Adopt bylaws for the regulation of its affairs and the conduct of its business and define, from time to time, the terms “low-income” and “moderate-income” so as to best carry out the purposes of sections 215.010 to 215.250 for the people intended hereby to be assisted. The definition may vary from one part of the state to another depending on economic factors in each section;

(6) To accept appropriations, gifts, grants, bequests, and devises and to utilize or dispose of the same to carry out its purpose;

(7) To make and execute contracts, releases, compromises, and other instruments necessary or convenient for the exercise of its powers, or to carry out its purpose;

(8) To collect reasonable fees and charges in connection with making and servicing its loans, notes, bonds, obligations, commitments, and other evidences of indebtedness, and in connection with providing technical, consultative, and project assistant services. Such fees and charges shall be limited to the amounts required to pay the costs of the commission, including operating and administrative expenses, and reasonable allowances for losses which may be incurred;

(9) To invest any funds not required for immediate disbursement in obligations of the state of Missouri or of the United States government or any instrumentality thereof, the principal and interest of which are guaranteed by the state of Missouri, or the United States government or any instrumentality thereof, or bank certificates of deposit, or, in the case of funds pledged to note or bond issues of the commission, in such investments as the commission may determine; provided that, on the date of issuance such note or bond issues are rated by Standard & Poor’s Corporation not lower than “AA” in the case of long-term obligations or “SP-1+” in the case of short-term obligations, or rated by Moody’s Investors Service, Inc., not lower than “Aa” in the case of long-term obligations or Moody’s Investment Grade I in the case of short-term obligations, or the equivalent ratings by such rating agencies in the event the ratings described in this section are changed;

(10) To sue and be sued;

(11) To have a seal and alter the same at will;

(12) To make, and from time to time, amend and repeal bylaws, rules, and regulations not inconsistent with the provisions of sections 215.010 to 215.250;

(13) To acquire, hold, and dispose of personal property for its purposes;

(14) To enter into agreements or other transactions with any federal or state agency, any person and any domestic or foreign partnership, corporation, association, or organization;

(15) To acquire real property, or an interest therein, in its own name, to sell, transfer, and convey any such property to a buyer, to lease such property to a tenant to manage and operate such property, to enter into management contracts with respect to such property, and to mortgage such property;

(16) To sell, at public or private sale, any mortgage, negotiable instrument or obligation securing a construction, land development, mortgage, or temporary loan;

(17) To procure insurance against any loss in connection with its property in such amounts, and from such insurers, as may be necessary or desirable;

(18) To consent, whenever it deems it necessary or desirable in the fulfillment of its purpose, to the modification of the rate of interest, time of payment, or any installment of principal or interest, or any other

terms, of any mortgage loan, mortgage loan commitment, construction loan, temporary loan, contract, or agreement of any kind to which the commission is a party;

(19) To make and publish rules and regulations respecting its lending, insurance of loans, federally insured construction lending, and temporary lending to defray development costs and any such other rules and regulations as are necessary to effectuate its purpose;

(20) To borrow money to carry out and effectuate its purpose and to issue its negotiable bonds or notes as evidence of any such borrowing in such principal amounts and upon such terms as shall be necessary to provide sufficient funds for achieving its purpose, and to secure such bonds or notes by the pledge of revenues, mortgages, or notes of others;

(21) To issue renewal notes, to issue bonds to pay notes, and whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured;

(22) To apply the proceeds from the sale of renewal notes or refunding bonds to the purchase, redemption, or payment of the notes or bonds to be refunded;

(23) To provide technical services to assist in the planning, processing, design, construction, or rehabilitation of residential housing for occupancy by persons and families of low and moderate income, persons and families in distressed communities as defined in section 135.530 of any income level, or land development for residential housing for occupancy by persons and families of low and moderate income or persons and families in distressed communities of any income level;

(24) To provide consultative project assistance services for residential housing for occupancy by persons and families of low and moderate income or persons and families of any income level in distressed communities as defined in section 135.530 and for land development for residential housing for occupancy by persons and families of low and moderate income, or for persons and families of any income level in distressed communities and for the residents thereof with respect to management, training and social services;

(25) To promote research and development in scientific methods of constructing low cost residential housing of high durability; and

(26) To make, purchase, or participate in the purchase of uninsured, partially insured, or fully insured loans and home improvement loans to sponsors to finance the weatherization of single and multifamily dwellings, and shall issue its negotiable bonds or notes for such purpose.

2. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536 including but not limited to, section 536.028 if applicable, after January 1, 1999. All rulemaking authority delegated prior to January 1, 1999, is of no force and effect and repealed as of January 1, 1999, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to January 1, 1999. If the provisions of section 536.028 apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to January 1, 1999.

**3. All employees of the commission shall be eligible for membership in the Missouri state employees' retirement system, subject to all provisions in chapters 104 and 105 applicable to the system.**

260.035. 1. The authority is hereby granted and may exercise all powers necessary or appropriate to carry out and effectuate its purposes pursuant to the provisions of sections 260.005 to 260.125, including, but not limited to, the following:

(1) To adopt bylaws and rules after having held public hearings thereon for the regulation of its affairs and the conduct of its business;

(2) To adopt an official seal;

(3) To maintain a principal office and such other offices within the state as it may designate;

(4) To sue and be sued;

(5) To make and execute leases, contracts, releases, compromises, and other instruments necessary or convenient for the exercise of its powers or to carry out its purposes;

(6) To acquire, construct, reconstruct, enlarge, improve, furnish, equip, maintain, repair, operate, lease, finance, and sell equipment, structures, systems, and projects and to lease the same to any private person, firm, or corporation, or to any public body, political subdivision, or municipal corporation. Any such lease may provide for the construction of the project by the lessee;

(7) To issue bonds and notes as hereinafter provided and to make, purchase, or participate in the purchase of loans or municipal obligations and to guarantee loans to finance the acquisition, construction, reconstruction, enlargement, improvement, furnishing, equipping, maintaining, repairing, operating, or leasing of a project;

(8) To invest any funds not required for immediate disbursement in obligations of the state of Missouri or of the United States or any agency or instrumentality thereof, or in bank certificates of deposit; provided, however, the foregoing limitations on investments shall not apply to proceeds acquired from the sale of bonds or notes which are held by a corporate trustee pursuant to section 260.060;

(9) To acquire by gift or purchase, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties hereunder;

(10) To employ managers and other employees and retain or contract with architects, engineers, accountants, financial consultants, attorneys, and such other persons, firms, or corporations who are necessary in its judgment to carry out its duties, and to fix the compensation thereof;

(11) To receive and accept appropriations, bequests, gifts, and grants and to utilize or dispose of the same to carry out its purposes pursuant to the provisions of sections 260.005 to 260.125;

(12) To engage in research and development with respect to pollution control facilities and solid waste or sewage disposal facilities, [and] water facilities, resource recovery facilities, and the development of energy resources;

(13) To collect rentals, fees, and other charges in connection with its services or for the use of any project hereunder;

(14) To sell at private sale any of its property or projects to any private person, firm, or corporation, or to any public body, political subdivision, or municipal corporation, on such terms as it deems advisable,

including the right to receive for such sale the note or notes of any such person to whom the sale is made. Any such sale shall provide for payments adequate to pay the principal of and interest and premiums, if any, on the bonds or notes issued to finance such project or portion thereof. Any such sale may provide for the construction of the project by the purchaser of the project;

(15) To make, purchase, or participate in the purchase of loans to finance the development and marketing of:

(a) Means of energy production utilizing energy sources other than fossil or nuclear fuel, including, but not limited to, wind, water, solar, biomass, solid waste, and other renewable energy resource technologies;

(b) Fossil fuels and recycled fossil fuels which are indigenous energy resources produced in the state of Missouri, including coal, heavy oil, and tar sands; and

(c) Synthetic fuels produced in the state of Missouri;

(16) To insure any loan, the funds of which are to be used for the development and marketing of energy resources as authorized by sections 260.005 to 260.125;

(17) To make temporary loans, with or without interest, but with such security for repayment as the authority deems reasonably necessary and practicable, to defray development costs of energy resource development projects;

(18) To collect reasonable fees and charges in connection with making and servicing its loans, notes, bonds and obligations, commitments, and other evidences of indebtedness made, issued or entered into to develop energy resources, and in connection with providing technical, consultative, and project assistance services in the area of energy development. Such fees and charges shall be limited to the amounts required to pay the costs of the authority, including operating and administrative expenses, and reasonable allowance for losses which may be incurred;

(19) To enter into agreements or other transactions with any federal or state agency, any person and any domestic or foreign partnership, corporation, association, or organization to carry out the provisions of sections 260.005 to 260.125;

(20) To sell, at public or private sale, any mortgage and any real or personal property subject to that mortgage, negotiable instrument, or obligation securing any loan;

(21) To procure insurance against any loss in connection with its property in such amounts, and from such insurers, as may be necessary or desirable;

(22) To consent to the modification of the rate of interest, time of payment for any installment of principal or interest, or any other terms, of any loan, loan commitment, temporary loan, contract, or agreement made directly by the authority;

(23) To make and publish rules and regulations concerning its lending, insurance of loans, and temporary lending to defray development costs, along with such other rules and regulations as are necessary to effectuate its purposes. No rule or portion of a rule promulgated under the authority of sections 260.005 to 260.125 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024;

(24) To borrow money to carry out and effectuate its purpose in the area of energy resource development and to issue its negotiable bonds or notes as evidence of any such borrowing in such principal



amounts and upon such terms as shall be determined by the authority, and to secure such bonds or notes by the pledge of revenues, mortgages, or notes of others as authorized by sections 260.005 to 260.125.

2. The authority shall develop a hazardous waste facility if the study required in section 260.037 demonstrates that a facility is economically feasible. The facility, which shall not include a hazardous waste landfill, may be operated by any eligible party as specified in this section. The authority shall begin development of the facility by July 1, 1985.

**3. All employees of the authority shall be eligible for membership in the Missouri state employees' retirement system, subject to all provisions in chapters 104 and 105 applicable to the system.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend Senate Bill No. 17, Page 1, Section A, Line 2, by inserting after all of said line the following:

“169.141. 1. Any person receiving a retirement allowance under sections 169.010 to 169.140, and who elected a reduced retirement allowance under subsection 3 of section 169.070 with his or her spouse as the nominated beneficiary, may nominate a successor beneficiary under either of the following circumstances:

(1) If the nominated beneficiary precedes the retired person in death, the retired person may, upon remarriage, nominate the new spouse under the same option elected in the application for retirement;

(2) If the marriage of the retired person and the nominated beneficiary is dissolved, and if the dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance, the retired person may, upon remarriage, nominate the new spouse under the same option elected in the application for retirement.

2. Any nomination of a successor beneficiary under subdivision (1) or (2) of subsection 1 of this section must be made in accordance with procedures established by the board of trustees, and must be filed within ninety days of May 6, 1993, or within one year of the remarriage, whichever later occurs. Upon receipt of a successor nomination filed in accordance with those procedures, the board shall adjust the retirement allowance to reflect actuarial considerations of that nomination as well as previous beneficiary and successor beneficiary nominations.

3. Any person receiving a retirement allowance under sections 169.010 to 169.140 who elected a reduced retirement allowance under subsection 3 of section 169.070 with his or her spouse as the nominated beneficiary may have the retirement allowance increased to the amount the retired member would be receiving had the retired member elected option 1 if:

(1) The marriage of the retired person and the nominated spouse is dissolved on or after September 1, 2017[;

(2) The], **and the** dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance; [and] **or**

**(2) The marriage of the retired person and the nominated spouse was dissolved before September 1, 2017, and:**

**(a) The dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance, and the parties obtain an amended or modified dissolution decree after September 1, 2017, providing for the immediate removal of the nominated spouse, or the nominated**

**spouse consents in writing to his or her immediate removal as nominated beneficiary and disclaims all rights to future benefits to the satisfaction of the board of trustees; or**

**(b) The dissolution decree does not provide for sole retention by the retired person of all rights in the retirement allowance and the parties obtain an amended or modified dissolution decree after September 1, 2017, which provides for sole retention by the retired person of all rights in the retirement allowance; and**

(3) The person receives a retirement allowance under subsection 3 of section 169.070.

Any such increase in the retirement allowance shall be effective upon the receipt of an application for such increase and a certified copy of the decree of dissolution **and separation agreement, if applicable**, that meets the requirements of this section.”; and

Further amend said bill, Page 3, Section 169.560, Line 66, by inserting after all of said section and line the following:

“169.715. 1. Any person receiving a retirement allowance under sections 169.600 to 169.712, and who elected a reduced retirement allowance under subsection 4 of section 169.670 with his or her spouse as the nominated beneficiary, may nominate a successor beneficiary under either of the following circumstances:

(1) If the nominated beneficiary precedes the retired person in death, the retired person may, upon remarriage, nominate the new spouse under the same option elected in the application for retirement;

(2) If the marriage of the retired person and the nominated beneficiary is dissolved, and if the dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance, the retired person may, upon remarriage, nominate the new spouse under the same option elected in the application for retirement.

2. Any nomination of a successor beneficiary under subdivision (1) or (2) of subsection 1 of this section must be made in accordance with procedures established by the board of trustees, and must be filed within ninety days of May 6, 1993, or within one year of the remarriage, whichever later occurs. Upon receipt of a successor nomination filed in accordance with those procedures, the board shall adjust the retirement allowance to reflect actuarial considerations of that nomination as well as previous beneficiary and successor beneficiary nominations.

3. Any person receiving a retirement allowance under sections 169.600 to 169.715 who elected a reduced retirement allowance under subsection 4 of section 169.670 with his or her spouse as the nominated beneficiary may have the retirement allowance increased to the amount the retired member would be receiving had the retired member elected option 1 if:

(1) The marriage of the retired person and the nominated spouse is dissolved on or after September 1, 2017[;

(2) The], **and the** dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance; [and] **or**

**(2) The marriage of the retired person and the nominated spouse was dissolved before September 1, 2017, and:**

**(a) The dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance, and the parties obtain an amended or modified dissolution decree after September 1, 2017, providing for the immediate removal of the nominated spouse, or the nominated spouse consents in writing to his or her immediate removal as nominated beneficiary and disclaims**

**all rights to future benefits to the satisfaction of the board of trustees; or**

**(b) The dissolution decree does not provide for sole retention by the retired person of all rights in the retirement allowance and the parties obtain an amended or modified dissolution decree after September 1, 2017, which provides for sole retention by the retired person of all rights in the retirement allowance; and**

(3) The person receives a retirement allowance under subsection 4 of section 169.670.

Any such increase in the retirement allowance shall be effective upon the receipt of an application for such increase and a certified copy of the decree of dissolution **and separation agreement, if applicable**, that meets the requirements of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS for SCS for SB 230**.

With House Amendment Nos. 1, 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment Nos. 4, 5, and 6.

#### HOUSE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 230, Page 1, In the Title, Line 3, by deleting the phrase “guardianship and conservatorship” and inserting in lieu thereof the word “judicial”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 230, Page 6, Section 475.115, Line 18, by inserting after all of said section and line the following:

“508.010. 1. As used in this section, “principal place of residence” shall mean the county which is the main place where an individual resides in the state of Missouri. [There shall be a rebuttable presumption that the county of voter registration at the time of injury is the principal place of residence.] There shall be only one principal place of residence.

**(1) For an individual person, there shall be a rebuttable presumption that the county of voter registration at the time of injury is the principal place of residence.**

**(2) Notwithstanding subdivision (1) of this subsection, for an individual whose conduct at issue was alleged in at least one count to be in the course and scope of his or her employment with a corporation, the individual’s principal place of residence for venue purposes shall be deemed to be the applicable corporation’s principal place of residence.**

**(3) For a corporation that, either directly or through its subsidiaries, wholly owns or operates a railroad, the place where the corporation has its registered agent is its principal place of residence**

**for the purposes of venue, provided that the registered agent is in a city not within a county, a charter county, or a first class county.**

2. In all actions in which there is no count alleging a tort, venue shall be determined as follows:

(1) When the defendant is a resident of the state, either in the county within which the defendant resides, or in the county within which the plaintiff resides, and the defendant may be found;

(2) When there are several defendants, and they reside in different counties, the suit may be brought in any such county;

(3) When there are several defendants, some residents and others nonresidents of the state, suit may be brought in any county in this state in which any defendant resides;

(4) When all the defendants are nonresidents of the state, suit may be brought in any county in this state, **provided there is personal jurisdiction over each defendant, independent of each other defendant.**

3. The term “tort” shall include claims based upon improper health care, under the provisions of chapter 538.

4. Notwithstanding any other provision of law, in all actions in which there is any count alleging a tort and in which the plaintiff was first injured in the state of Missouri, venue shall be in the county where the plaintiff was first injured by the [wrongful] acts or [negligent] conduct alleged in the action.

5. Notwithstanding any other provision of law, in all actions in which there is any count alleging a tort and in which the plaintiff was first injured outside the state of Missouri, venue **as to that individual plaintiff** shall be determined as follows:

(1) If the defendant is a corporation, then venue shall be in any county where a defendant corporation’s registered agent is located or, if the plaintiff’s principal place of residence was in the state of Missouri on the date the plaintiff was first injured, then venue may be in the county of the plaintiff’s principal place of residence on the date the plaintiff was first injured;

(2) If the defendant is an individual, then venue shall be in [any] **the** county [of] **where** the [individual defendant’s] **defendant has his or her** principal place of residence in the state of Missouri, **which for venue purposes shall be deemed to be that of his or her employer corporation if any count alleges conduct in the course and scope of his or her employment with that corporation,** or, if the plaintiff’s principal place of residence was in the state of Missouri on the date the plaintiff was first injured, then venue **as to that individual plaintiff** may be in the county containing the plaintiff’s principal place of residence on the date the plaintiff was first injured;

(3) Notwithstanding subdivisions (1) and (2) of this subsection, if the plaintiff was first injured in a foreign country in connection with any railroad operations therein and any defendant is a:

(a) Corporation that, either directly or through its subsidiaries, wholly owns or operates the foreign railroad; or

(b) Wholly owned subsidiary of a corporation that, either directly or through its subsidiaries, wholly owns or operates the foreign railroad;

then venue shall exclusively be in the county where any such defendant corporation’s registered agent is located, regardless of venue as to any other defendant or, if the plaintiff’s principal place of residence was in the state of Missouri on the date the plaintiff was first injured, then venue may be in the county of the

plaintiff's principal place of residence on the date the plaintiff was first injured.

6. Any action, in which any county shall be a plaintiff, may be commenced and prosecuted to final judgment in the county in which the defendant or defendants reside, or in the county suing and where the defendants, or one of them, may be found.

7. In all actions, process shall be issued by the court in which the action is filed and process may be served in any county within the state.

8. In any action for defamation or for invasion of privacy, the plaintiff shall be considered first injured in the county in which the defamation or invasion was first published.

9. In all actions, venue shall be determined as of the date the plaintiff was first injured.

10. All motions to dismiss or to transfer based upon a claim of improper venue shall be deemed granted if not denied within ninety days of filing of the motion unless such time period is waived in writing by all parties.

11. In a wrongful death action, the plaintiff shall be considered first injured where the decedent was first injured by the wrongful acts or negligent conduct alleged in the action. In any spouse's claim for loss of consortium, the plaintiff claiming consortium shall be considered first injured where the other spouse was first injured by the wrongful acts or negligent conduct alleged in the action.

12. The provisions of this section shall apply irrespective of whether the defendant is a for-profit or a not-for-profit entity.

13. In any civil action, if all parties agree in writing to a change of venue, the court shall transfer venue to the county within the state unanimously chosen by the parties. If any parties are added to the cause of action after the date of said transfer who do not consent to said transfer then the cause of action shall be transferred to such county in which venue is appropriate under this section, based upon the amended pleadings.

14. A plaintiff is considered first injured where the trauma or exposure occurred rather than where symptoms are first manifested.

**15. If the county where the plaintiff's claim is filed is not a proper venue, that plaintiff shall be transferred to a county where proper venue can be established. If no such county exists in the state of Missouri, the claim shall be dismissed without prejudice.**

**16. Denial of a motion to transfer venue pursuant to sections 507.040, 507.050, or 508.010, if denied in error, requires reversal, and no finding of prejudice under Missouri supreme court rule 84.13(b) is required for reversal.**

**17. For the purposes of this section, a domestic insurance company shall be deemed to reside in, and be a resident of, the county where its registered office is maintained. A foreign insurance company shall be deemed to reside in, and be a resident of, the county where its registered office is maintained. If a foreign insurance company does not maintain a registered office in any county in Missouri, the foreign insurance company shall be deemed to reside in, and be a resident of, Cole County.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 230, Page 2, Line 34, by inserting after said line the following:

“Further amend said bill, Page 6, Section 475.115, Line 18, by inserting after said section and line the following:

“544.455. 1. Any person charged with a bailable offense, at his or her appearance before [an associate circuit judge or] a judge, may be ordered released pending trial, appeal, or other stage of the proceedings against him on his personal recognizance, unless the [associate circuit judge or] judge determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required. When such a determination is made, the [associate circuit judge or] judge may either in lieu of or in addition to the above methods of release, impose any or any combination of the following conditions of release which will reasonably assure the appearance of the person for trial:

(1) Place the person in the custody of a designated person or organization agreeing to supervise him;

(2) Place restriction on the travel, association, or place of abode of the person during the period of release;

(3) Require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof **by a defendant or a third party; however, the court shall accept in lieu of a cash only bond a guaranty from any surety who is in compliance with general laws regulating such profession. Cash only bonds involving child support enforcement, insufficient funds, and enforcing posttrial collections of court costs, fines, and restitution shall be excluded from the provisions of this subdivision;**

(4) Require the person to report regularly to some officer of the court, [or] peace officer, [in such manner as the associate circuit judge or judge directs] **or a private pretrial court services company;**

(5) Require the execution of a bond in a given sum and the deposit in the registry of the court of ten percent, or such lesser percent as the judge directs, of the sum in cash or negotiable bonds of the United States or of the state of Missouri or any political subdivision thereof. **The court shall accept, in lieu of a percentage bond under this subdivision, a guaranty from any surety properly licensed under the laws of Missouri in an amount equal to the percentage the court required from the defendant or third party and confirm sufficient assets of a private individual acting as the guaranty of the full amount of bond if a percentage of the full amount of the bond in lieu thereof was accepted by the court. Upon judgment of a bail bond forfeiture, moneys shall be disbursed in the same manner as a judgment that is paid by a professional surety;**

(6) Place the person on house arrest with electronic monitoring; except that all costs associated with the electronic monitoring shall be charged to the person on house arrest. If the judge finds the person unable to afford the costs associated with electronic monitoring, the judge may order that the person be placed on house arrest with electronic monitoring if the county commission agrees to pay from the general revenue of the county the costs of such monitoring. If the person on house arrest is unable to afford the costs associated with electronic monitoring and the county commission does not agree to pay the costs of such electronic monitoring, the judge shall not order that the person be placed on house arrest with electronic monitoring;

(7) Impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody after specified hours.

2. In determining which conditions of release will reasonably assure appearance, the associate circuit judge or judge shall, on the basis of available information, take into account the nature and circumstances of the offense charged, the weight of the evidence against the accused, the accused's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and his record of appearance at court proceedings or flight to avoid prosecution or failure to appear at court proceedings.

3. [An associate circuit judge or] A judge authorizing the release of a person under this section shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform such person of the penalties applicable to violations of the conditions of his release and shall advise him that a warrant for his arrest will be issued immediately upon any such violation.

4. A person for whom conditions of release are imposed and who after twenty-four hours from the time of the release hearing continues to be detained as a result of his inability to meet the conditions of release, shall, upon application, be entitled to have the condition reviewed by the associate circuit judge or judge who imposed them. The motion shall be determined promptly.

5. [An associate circuit judge or] A judge ordering the release of a person on any condition specified in this section may at any time amend his order to impose additional or different conditions of release; except that, if the imposition of such additional or different conditions results in the detention of the person as a result of his inability to meet such conditions or in the release of the person on a condition requiring him to return to custody after specified hours, the provisions of subsection 4 of this section shall apply.

6. Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

7. Nothing contained in this section shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

8. Persons charged with violations of municipal ordinances may be released by a municipal judge or other judge who hears and determines municipal ordinance violation cases of the municipality involved under the same conditions and in the same manner as provided in this section for release by an associate circuit judge.

9. A circuit court may adopt a local rule authorizing the pretrial release on electronic monitoring pursuant to subdivision (6) of subsection 1 of this section in lieu of incarceration of individuals charged with offenses specifically identified therein.

**10. A person serving as a municipal, associate circuit, or circuit judge, or a family member of such person within the first degree of affinity or consanguinity, shall be prohibited from owning a private pretrial court services company unless two years have elapsed since the date the person has served as an associate circuit or a circuit judge.”; and”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 230, Page 1, Section A, Line 3, by inserting after said section and line the following:

**“21.875. 1. There is hereby established an interim joint committee of the general assembly to be known as the “Interim Joint Committee on Juvenile Court Jurisdiction and Implementation” to be composed of two members of the senate and two members of the house of representatives. Of the four**

members to be appointed to the joint committee, the two senate members shall be appointed by the president pro tempore and the minority leader of the senate and the two house members shall be appointed by the speaker and the minority floor leader of the house of representatives. Additional joint committee members shall include:

- (1) A chief juvenile officer from a single county judicial circuit appointed by the Missouri Juvenile Justice Association;
- (2) A chief juvenile officer from a multicounty judicial circuit appointed by the Missouri Juvenile Justice Association;
- (3) A superintendent of a Missouri juvenile detention center appointed by the Missouri Juvenile Justice Association;
- (4) The Missouri office of state courts administrator, or his or her designee;
- (5) The director of the division of youth services within the department of social services;
- (6) The commissioner of education, or his or her designee, within the department of elementary and secondary education;
- (7) The president, or his or her designee, of the Missouri Police Chiefs' Association;
- (8) The executive director, or his or her designee, of the Missouri Sheriffs' Association;
- (9) The director, or his or her designee, of the Missouri state public defender;
- (10) The executive director, or his or her designee, of the Missouri school board association;
- (11) A juvenile or family court judge appointed by the Missouri supreme court;
- (12) The executive director, or his or her designee, of the Metropolitan Congregations United;
- (13) The executive director, or his or her designee, of the Missouri Association of Counties;
- (14) The executive director, or his or her designee, of the Missouri Juvenile Justice Association;
- (15) A member of the Juvenile Justice Advisory Group, appointed by the director of the department of public safety; and
- (16) The director of the department of public safety, or his or her designee.

2. The joint committee shall review current juvenile court jurisdiction as it pertains to status and delinquency offenses and develop a plan for full implementation of raising the age of juvenile court jurisdiction to seventeen years of age. The implementation plan shall include:

- (1) An analysis of the impact raising the age of juvenile court jurisdiction will have on state and county budgets as well as identify resource issues and cost mitigation strategies;
- (2) An appropriate fiscal note that is based on the analysis under subdivision (1) of this subsection;
- (3) An allocation of funds deposited into the juvenile justice preservation fund established under section 211.435, as well as recommendations on how the funds may be used;
- (4) An analysis of projected cases relating to subdivision (2) of subsection 1 of section 211.031, and an examination of best practices and alternatives for status offenders seventeen years of age;
- (5) An examination of alternative strategies, such as civil citations or other diversion processes; and



**(6) Addressing additional statutory implications of raising the age of juvenile court jurisdiction to include the following:**

- (a) Compulsory school attendance;**
- (b) Age of commitment to the division of youth services;**
- (c) Certification;**
- (d) Dual jurisdiction; and**
- (e) Refining definitions.**

**3. The joint committee shall meet within thirty days after its creation and select a chair and vice chair, one of whom shall be the chair of the senate committee on judiciary and one of whom shall be the chair of the house committee on judiciary. A majority of the joint committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the joint committee's duties.**

**4. The joint committee shall meet at least quarterly and at locations other than Jefferson City if the joint committee deems it necessary.**

**5. The joint committee shall be staffed by legislative personnel as is deemed necessary to assist the joint committee in the performance of its duties.**

**6. The members of the joint committee shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.**

**7. It shall be the duty of the joint committee to compile a full report of its activities for submission to the general assembly by January 15, 2020. Copies of the report containing such recommendations shall be sent to the appropriate directors of state or local government agencies or departments included in the report.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 4**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 230, Page 2, Section 209.625, Line 27, by inserting after all of said section and line the following;

“211.211. 1. A child is entitled to be represented by counsel in all proceedings under subdivision (2) or (3) of subsection 1 of section 211.031 and by a guardian ad litem in all proceedings under subdivision (1) of subsection 1 of section 211.031.

2. The court shall appoint counsel for a child prior to the filing of a petition if a request is made therefor to the court and the court finds that the child is the subject of a juvenile court proceeding and that the child making the request is indigent.

3. **(1) When a petition has been filed under subdivision (2) or (3) of subsection 1 of section 211.031, the court shall appoint counsel for the child except if private counsel has entered his or her appearance on behalf of the child or if counsel has been waived in accordance with law; except that, counsel shall not be waived for any proceeding specified under subsection 10 of this section.**

**(2) If a child waives his or her right to counsel, such waiver shall be made in open court and be recorded and in writing and shall be made knowingly, intelligently, and voluntarily. In determining**

**whether a child has knowingly, intelligently, and voluntarily waived his or her right to counsel, the court shall look to the totality of the circumstances including, but not limited to, the child's age, intelligence, background, and experience generally and in the court system specifically; the child's emotional stability; and the complexity of the proceedings.**

4. When a petition has been filed and the child's custodian appears before the court without counsel, the court shall appoint counsel for the custodian if it finds:

- (1) That the custodian is indigent; and
- (2) That the custodian desires the appointment of counsel; and
- (3) That a full and fair hearing requires appointment of counsel for the custodian.

5. Counsel shall be allowed a reasonable time in which to prepare to represent his client.

6. Counsel shall serve for all stages of the proceedings, including appeal, unless relieved by the court for good cause shown. If no appeal is taken, services of counsel are terminated following the entry of an order of disposition.

7. The child and his custodian may be represented by the same counsel except where a conflict of interest exists. Where it appears to the court that a conflict exists, it shall order that the child and his custodian be represented by separate counsel, and it shall appoint counsel if required by subsection 3 or 4 of this section.

8. When a petition has been filed, a child may waive his **or her** right to counsel only with the approval of the court **and if such waiver is not prohibited under subsection 10 of this section. If a child waives his or her right to counsel for any proceeding except proceedings under subsection 10 of this section, the waiver shall only apply to that proceeding. In any subsequent proceeding, the child shall be informed of his or her right to counsel.**

9. Waiver of counsel by a child may be withdrawn at any stage of the proceeding, in which event the court shall appoint counsel for the child if required by subsection 3 of this section.

**10. A child's right to be represented by counsel shall not be waived in any of the following proceedings:**

- (1) At a detention hearing under Missouri supreme court rule 127.08;**
- (2) At a certification hearing under section 211.071 or a dismissal hearing under Missouri supreme court rule 129.04;**
- (3) At an adjudication hearing under Missouri supreme court rule 128.02 for any misdemeanor or felony offense, including the acceptance of an admission;**
- (4) At a dispositional hearing under Missouri supreme court rule 128.03; or**
- (5) At a hearing on a motion to modify or revoke supervision under subdivision (2) or (3) of subsection 1 of section 211.031.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 230, Page 6, Section

475.115, Line 18, by inserting after all of said section and line the following:

“476.001. An efficient, well operating and productive judiciary is essential to the preservation of the people’s liberty and prosperity. In order to achieve this goal, the general assembly and the supreme court must constantly be aware of the operations, needs, strengths and weaknesses of the judicial system. It is the purpose of sections 476.001, 476.055, 476.330 to 476.380, 476.412, 476.681, and 477.405 to provide the general assembly and the supreme court with the mechanisms to obtain on a continuing basis a comprehensive analysis of judicial resources and an efficient and organized method of identifying the problems and needs as they occur. It is the further purpose of sections 476.001, 476.055, 476.330 to 476.380, 476.412, 476.681, 477.405, 478.073, **and 478.320**], and subdivision (12) of subsection 1 of section 600.042] to provide a system for the efficient allocation of available personnel, facilities and resources to achieve a uniform and effective operation of the judicial system.

600.042. 1. The director shall:

(1) Direct and supervise the work of the deputy directors and other state public defender office personnel appointed pursuant to this chapter; and he or she and the deputy director or directors may participate in the trial and appeal of criminal actions at the request of the defender;

(2) Submit to the commission, between August fifteenth and September fifteenth of each year, a report which shall include all pertinent data on the operation of the state public defender system, the costs, projected needs, and recommendations for statutory changes. Prior to October fifteenth of each year, the commission shall submit such report along with such recommendations, comments, conclusions, or other pertinent information it chooses to make to the chief justice, the governor, and the general assembly. Such reports shall be a public record, shall be maintained in the office of the state public defender, and shall be otherwise distributed as the commission shall direct;

(3) With the approval of the commission, establish such divisions, facilities and offices and select such professional, technical and other personnel, including investigators, as he deems reasonably necessary for the efficient operation and discharge of the duties of the state public defender system under this chapter;

(4) Administer and coordinate the operations of defender services and be responsible for the overall supervision of all personnel, offices, divisions and facilities of the state public defender system, except that the director shall have no authority to direct or control the legal defense provided by a defender to any person served by the state public defender system;

(5) Develop programs and administer activities to achieve the purposes of this chapter;

(6) Keep and maintain proper financial records with respect to the provision of all public defender services for use in the calculating of direct and indirect costs of any or all aspects of the operation of the state public defender system;

(7) Supervise the training of all public defenders and other personnel and establish such training courses as shall be appropriate;

(8) With approval of the commission, promulgate necessary rules, regulations and instructions consistent with this chapter defining the organization of the state public defender system and the responsibilities of division directors, district defenders, deputy district defenders, assistant public defenders and other personnel;

(9) With the approval of the commission, apply for and accept on behalf of the public defender system

any funds which may be offered or which may become available from government grants, private gifts, donations or bequests or from any other source. Such moneys shall be deposited in the state general revenue fund;

(10) Contract for legal services with private attorneys on a case-by-case basis and with assigned counsel as the commission deems necessary considering the needs of the area, for fees approved and established by the commission;

(11) With the approval and on behalf of the commission, contract with private attorneys for the collection and enforcement of liens and other judgments owed to the state for services rendered by the state public defender system[;

(12) Prepare a plan to establish district offices, the boundaries of which shall coincide with existing judicial circuits. Any district office may contain more than one judicial circuit within its boundaries, but in no event shall any district office boundary include any geographic region of a judicial circuit without including the entire judicial circuit. The director shall submit the plan to the chair of the house judiciary committee and the chair of the senate judiciary committee, with fiscal estimates, by December 31, 2014. The plan shall be implemented by December 31, 2021].

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

3. The director and defenders shall, within guidelines as established by the commission and as set forth in subsection 4 of this section, accept requests for legal services from eligible persons entitled to counsel under this chapter or otherwise so entitled under the constitution or laws of the United States or of the state of Missouri and provide such persons with legal services when, in the discretion of the director or the defenders, such provision of legal services is appropriate.

4. The director and defenders shall provide legal services to an eligible person:

(1) Who is detained or charged with a felony, including appeals from a conviction in such a case;

(2) Who is detained or charged with a misdemeanor which will probably result in confinement in the county jail upon conviction, including appeals from a conviction in such a case, unless the prosecuting or circuit attorney has waived a jail sentence;

(3) Who is charged with a violation of probation when it has been determined by a judge that the appointment of counsel is necessary to protect the person's due process rights under section 559.036;

(4) Who has been taken into custody pursuant to section 632.489, including appeals from a determination that the person is a sexually violent predator and petitions for release, notwithstanding any provisions of law to the contrary;

(5) For whom the federal constitution or the state constitution requires the appointment of counsel; and

(6) Who is charged in a case in which he or she faces a loss or deprivation of liberty, and in which the federal or the state constitution or any law of this state requires the appointment of counsel; however, the director and the defenders shall not be required to provide legal services to persons charged with violations of county or municipal ordinances, or misdemeanor offenses except as provided in this section.

5. The director may:

(1) Delegate the legal representation of an eligible person to any member of the state bar of Missouri;

(2) Designate persons as representatives of the director for the purpose of making indigency determinations and assigning counsel.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 230, Page 1, Section A, Line 3, by inserting after said section and line the following:

“135.562. 1. If any taxpayer with a federal adjusted gross income of thirty thousand dollars or less incurs costs for the purpose of making all or any portion of such taxpayer’s principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer’s Missouri income tax liability in an amount equal to the lesser of one hundred percent of such costs or two thousand five hundred dollars per taxpayer, per tax year.

2. Any taxpayer with a federal adjusted gross income greater than thirty thousand dollars but less than sixty thousand dollars who incurs costs for the purpose of making all or any portion of such taxpayer’s principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer shall receive a tax credit against such taxpayer’s Missouri income tax liability in an amount equal to the lesser of fifty percent of such costs or two thousand five hundred dollars per taxpayer per tax year. No taxpayer shall be eligible to receive tax credits under this section in any tax year immediately following a tax year in which such taxpayer received tax credits under the provisions of this section.

3. Tax credits issued [pursuant to] **under** this section may be refundable in an amount not to exceed two thousand five hundred dollars per tax year.

4. Eligible costs for which the credit may be claimed include:

- (1) Constructing entrance or exit ramps;
- (2) Widening exterior or interior doorways;
- (3) Widening hallways;
- (4) Installing handrails or grab bars;
- (5) Moving electrical outlets and switches;
- (6) Installing stairway lifts;
- (7) Installing or modifying fire alarms, smoke detectors, and other alerting systems;
- (8) Modifying hardware of doors; or
- (9) Modifying bathrooms.

5. The tax credits allowed, including the maximum amount that may be claimed, [pursuant to] **under** this section shall be reduced by an amount sufficient to offset any amount of such costs a taxpayer has already deducted from such taxpayer’s federal adjusted gross income or to the extent such taxpayer has applied any other state or federal income tax credit to such costs.

6. A taxpayer shall claim a credit allowed by this section in the same [taxable] **tax** year as the credit is issued, and at the time such taxpayer files his or her Missouri income tax return; provided that such return is timely filed.

7. The department may, in consultation with the department of social services, promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The provisions of this section shall apply to all tax years beginning on or after January 1, 2008.

9. The provisions of this section shall expire December 31, [2019] **2025**, unless reauthorized by the general assembly. This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.

10. In no event shall the aggregate amount of all tax credits allowed [pursuant to] **under** this section exceed one hundred thousand dollars in any given fiscal year. The tax credits issued pursuant to this section shall be on a first-come, first-served filing basis.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 167**, entitled:

An Act to repeal section 107.170, RSMo, and to enact in lieu thereof one new section relating to contracts for construction services.

With House Amendment Nos. 1 and 3.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 167, Page 1, In the Title, Line 3, by inserting before the word, “contracts” the words, “permitting and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 167, Page 3, Section 107.170, Line 63, by inserting after said line the following:

**“7. The providing of a bond under this section shall preclude the filing of a mechanic’s lien under chapter 429 by any subcontractor or supplier. Any mechanic’s lien filed in violation hereof shall be void and unenforceable and shall be summarily discharged by a judge of the county in which the mechanic’s lien is filed.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SB 368**. Representatives: Shawan, Ruth, Patterson, Butz, Razer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 744**, entitled:

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the 21st century Missouri education task force.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Rowden, the Senate adjourned until 2:00 p.m., Tuesday, May 7, 2019.

#### SENATE CALENDAR

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SIXTY-THIRD DAY—TUESDAY, MAY 7, 2019

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#### FORMAL CALENDAR

#### HOUSE BILLS ON SECOND READING

HCS for HB 744

#### THIRD READING OF SENATE BILLS

SCS for SB 465-Burlison (In Fiscal Oversight)

SB 255-Bernskoetter (In Fiscal Oversight)

#### SENATE BILLS FOR PERFECTION

1. SB 430-Libla
2. SB 186-Hegeman
3. SB 302-Wallingford
4. SB 347-Burlison
5. SB 439-Brown
6. SB 303-Riddle, with SCS
7. SB 376-Riddle

8. SB 82-Cunningham, with SCS
9. SB 161-Cunningham
10. SB 144-Burlison, with SCS
11. SJR 20-Koenig, with SCS
12. SB 208-Wallingford
13. SB 189-Crawford, with SCS
14. SB 385-Bernskoetter

- |                                  |                              |
|----------------------------------|------------------------------|
| 15. SB 409-Wieland, et al        | 24. SB 342-Curls and Nasheed |
| 16. SB 437-Hoskins               | 25. SB 424-Luetkemeyer       |
| 17. SB 286-Hough                 | 26. SB 367-Burlison          |
| 18. SB 325-Crawford, with SCS    | 27. SB 22-Nasheed, with SCS  |
| 19. SBs 8 & 74-Emery, with SCS   | 28. SJR 25-Libla, with SCS   |
| 20. SB 386-O'Laughlin, with SCS  | 29. SB 140-Koenig, with SCS  |
| 21. SB 272-Emery, with SCS       | 30. SJR 21-May               |
| 22. SB 265-Luetkemeyer, with SCS | 31. SB 308-Onder             |
| 23. SB 135-Sifton, with SCS      |                              |

## HOUSE BILLS ON THIRD READING

- |  |  |
|--|--|
| 1. HCS#2 for HB 499 (Schatz)                 | 31. HB 587-Rone (Crawford)                       |
| 2. HCS for HB 192, with SCS (Emery)          | 32. HCS for HB 346 (Wallingford)                 |
| 3. HB 485-Dogan, with SCS (Emery)            | 33. HB 1061-Patterson (Hoskins)                  |
| (In Fiscal Oversight)                        | 34. HB 470-Grier, with SCS (O'Laughlin)          |
| 4. HCS for HB 564, with SCS (Koenig)         | 35. HB 186-Trent, with SCS (Burlison)            |
| 5. HCS for HB 678, with SCS (Williams)       | (In Fiscal Oversight)                            |
| 6. HCS for HB 399, with SCS (Hoskins)        | 36. HCS for HB 466, with SCS (Riddle)            |
| 7. HB 126-Schroer, with SCS (Koenig)         | (In Fiscal Oversight)                            |
| 8. HB 138-Kidd (Wallingford)                 | 37. HCS for HB 229, with SCS (Wallingford)       |
| 9. HB 332-Lynch, with SCS (Wallingford)      | 38. HB 646-Rowland (Sater) (In Fiscal Oversight) |
| 10. HCS for HBs 243 & 544, with SCS (Arthur) | 39. HCS for HBs 161 & 401, with SCS              |
| 11. HCS for HB 220, with SCS (O'Laughlin)    | (Cunningham)                                     |
| 12. HB 821-Solon (Luetkemeyer)               | 40. HB 321-Solon (Luetkemeyer)                   |
| 13. HB 565-Morse, with SCS (Wallingford)     | 41. HCS for HB 67, with SCS (Luetkemeyer)        |
| 14. HCS for HB 447, with SCS (Riddle)        | (In Fiscal Oversight)                            |
| 15. HB 113-Smith, with SCS (Emery)           | 42. HB 240-Schroer, with SCS (Luetkemeyer)       |
| 16. HCS for HB 604, with SCS (Hoskins)       | (In Fiscal Oversight)                            |
| 17. HB 214-Trent (Hough)                     | 43. HB 337-Swan (Wallingford)                    |
| 18. HCS for HB 1088 (Hoskins)                | (In Fiscal Oversight)                            |
| 19. HB 355-Plocher, with SCS (Wallingford)   | 44. HB 267-Baker (Emery)                         |
| 20. HCS for HB 160, with SCS (White)         | 45. HB 757-Bondon (Wieland)                      |
| 21. HB 584-Knight, with SCS (Wallingford)    | 46. HB 942-Wiemann (Brown)                       |
| 22. HB 599-Bondon, with SCS (Cunningham)     | 47. HB 815-Black (137) (Hough)                   |
| 23. HB 1029-Bondon (Brown)                   | 48. HB 705-Helms, with SCS (Riddle)              |
| 24. HB 257-Stephens (Sater)                  | (In Fiscal Oversight)                            |
| 25. HB 563-Wiemann (Wallingford)             | 49. HCS for HB 301, with SCS (Burlison)          |
| 26. HCS for HB 266, with SCS (Hoskins)       | 50. HB 600-Bondon (Cunningham)                   |
| 27. HCS for HB 959, with SCS (Cierpiot)      | (In Fiscal Oversight)                            |
| 28. HCS for HB 333, with SCS (Crawford)      | 51. HB 943-McGill (Hoskins)                      |
| 29. HB 461-Pfautsch (Brown)                  | (In Fiscal Oversight)                            |
| 30. HCS for HB 824 (Hoskins)                 | 52. HB 372-Trent (Wallingford)                   |



53. HCS for HB 438 (Brown)  
54. HCS for HB 1127 (Riddle)  
55. HCS for HB 400 (White)  
(In Fiscal Oversight)

56. HB 966-Gregory (Onder)  
(In Fiscal Oversight)

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 4-Sater  
SB 5-Sater, et al, with SCS  
SB 10-Cunningham, with SCS & SA 1  
(pending)  
SB 14-Wallingford  
SB 16-Romine, with SCS, SS for SCS, SA 3  
& point of order (pending)  
SB 19-Libla, with SA 1 (pending)  
SB 31-Wieland  
SB 39-Onder  
SB 44-Hoskins, with SCS & SS#3 for SCS  
(pending)  
SBs 46 & 50-Koenig, with SCS, SS for SCS  
& SA 6 (pending)  
SB 49-Rowden, with SCS  
SB 52-Eigel, with SCS  
SB 56-Cierpiot, with SCS, SS for SCS &  
SA 1 (pending)  
SB 57-Cierpiot  
SB 62-Burlison, with SCS  
SB 65-White, with SS (pending)  
SB 69-Hough  
SB 76-Sater, with SCS (pending)  
SB 78-Sater  
SB 97-Hegeman, with SCS  
SB 100-Riddle, with SS (pending)  
SB 118-Cierpiot, with SCS  
SB 132-Emery, with SCS  
SB 141-Koenig  
SB 150-Koenig, with SCS  
SBs 153 & 117-Sifton, with SCS  
SB 154-Luetkemeyer, with SS & SA 2  
(pending)

SB 155-Luetkemeyer  
SB 160-Koenig, with SCS, SS for SCS &  
SA 2 (pending)  
SB 168-Wallingford, with SCS  
SB 201-Romine  
SB 205-Arthur, with SCS  
SB 211-Wallingford  
SB 222-Hough  
SB 225-Curls  
SB 234-White  
SB 252-Wieland, with SCS  
SB 259-Romine, with SS & SA 3 (pending)  
SB 276-Rowden, with SCS  
SB 278-Wallingford, with SCS  
SBs 279, 139 & 345-Onder and Emery, with SCS  
SB 292-Eigel, with SCS & SS#2 for SCS  
(pending)  
SB 293-Hough, with SCS  
SB 296-Cierpiot, with SCS  
SB 298-White, with SCS  
SB 300-Eigel  
SB 312-Eigel  
SB 316-Burlison  
SB 318-Burlison  
SB 328-Burlison, with SCS  
SB 332-Brown  
SB 336-Schupp  
SB 343-Eigel, with SCS  
SB 344-Eigel, with SCS  
SB 349-O'Laughlin, with SCS  
SB 350-O'Laughlin  
SB 354-Cierpiot, with SCS  
SB 412-Holsman

SB 426-Williams  
 SB 431-Schatz, with SCS  
 SJR 1-Sater and Onder, with SS#2 & SA 1  
 (pending)

SJR 13-Holsman, with SCS, SS for SCS &  
 SA 1 (pending)  
 SJR 18-Cunningham

#### HOUSE BILLS ON THIRD READING

HCS for HB 169, with SCS (Romine)  
 HB 188-Rehder (Luetkemeyer)  
 HB 219-Wood (Sater)  
 HCS for HB 225, with SCS, SS for SCS &  
 SA 1 (pending) (Romine)  
 HCS for HB 255, with SS & SA 5 (pending)  
 (Cierpiot)

HCS for HB 469 (Wallingford)  
 SCS for HCS for HB 547 (Bernskoetter)  
 (In Fiscal Oversight)  
 HCS for HB 677, with SA 1 (pending)  
 (Cierpiot)  
 HB 831-Sharpe, with SS (pending) (Brown)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SB 17-Romine, with HA 1, HA 2, HA 3,  
 HA 4 & HA 5  
 SCS for SB 83-Cunningham, with HA 1,  
 & HA 2, as amended  
 SCS for SB 167-Crawford, with HCS,  
 as amended

SB 196-Bernskoetter, with HCS, as amended  
 SS for SCS for SB 230-Crawford, with HA 1,  
 HA 2, HA 3, as amended, HA 4, HA 5 & HA 6

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

SB 53-Crawford, with HCS, as amended  
 SB 133-Cunningham, with HCS  
 SB 368-Hough, with HA 1, HA 2, HA 3,  
 HA 4, HA 5, HA 6, HA 7 & HA 8  
 HCS for HB 2, with SCS (Hegeman)  
 HCS for HB 3, with SCS (Hegeman)  
 HCS for HB 4, with SCS (Hegeman)  
 HCS for HB 5, with SCS (Hegeman)

HCS for HB 6, with SCS (Hegeman)  
 HCS for HB 7, with SS for SCS (Hegeman)  
 HCS for HB 8, with SCS (Hegeman)  
 HCS for HB 9, with SCS (Hegeman)  
 HCS for HB 10, with SS for SCS (Hegeman)  
 HCS for HB 11, with SCS (Hegeman)  
 HCS for HB 12, with SCS (Hegeman)  
 HCS for HB 13, with SCS (Hegeman)

Requests to Recede or Grant Conference

SB 182-Cierpiot, et al, with HCS, as amended  
(Senate requests House recede or grant  
conference)

HCS for HB 397, with SS for SCS, as amended  
(Riddle)  
(House requests Senate recede or grant  
conference)

RESOLUTIONS

SR 20-Holsman

SR 731-Hoskins

Reported from Committee

SCR 8-Holsman  
SCR 15-Burlison  
SCR 19-Eigel  
SCR 21-May  
SCR 22-Holsman

SCR 23-Luetkemeyer  
SCR 24-Hegeman and Luetkemeyer  
SCR 26-Bernskoetter  
HCS for HCR 16 (Hoskins)  
HCR 18-Spencer (Eigel)

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# Journal of the Senate

## FIRST REGULAR SESSION

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**SIXTY-THIRD DAY—TUESDAY, MAY 7, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord has heard my supplications: the Lord accepts my prayer.” (Psalm 6:9)

Heavenly Father, Help us to remember that You are more ready to listen to our prayers than we are to pray. Help us to remember that without regular prayer we are always in danger of giving into temptation when a crisis touches our lives. And help us to know that by daily prayer we are given the strength to face each new day and what it will bring. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator O’Laughlin—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Crawford offered Senate Resolution No. 890, regarding Joyce Noakes, Lowry City, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 891, regarding Caelan Gander, which was adopted.

On behalf of Senator O’Laughlin, Senator Rowden offered Senate Resolution No. 892, regarding the Fiftieth Anniversary of Northeast Missouri Regional Planning Commission, which was adopted.

Senator Romine offered Senate Resolution No. 893, regarding Victoria Kennard, Park Hills, which was adopted.

Senator Romine offered Senate Resolution No. 894, regarding Laura Kile, Farmington, which was adopted.

Senator Brown offered Senate Resolution No. 895, regarding Captain James W. Remillard, Rolla, which was adopted.

Senator Brown offered Senate Resolution No. 896, regarding Karen Hammond, Licking, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 897, regarding Beth Ash, California, which was adopted.

Senator Romine offered Senate Resolution No. 898, regarding Rebekah Lynn Noel Gonz, St. Genevieve, which was adopted.

Senator Schupp offered Senate Resolution No. 899, regarding Virginia “Gigi” Florek, St. Louis, which was adopted.

Senator Schupp offered Senate Resolution No. 900, regarding Hayley Marie Douthit, Frontenac, which was adopted.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 535**, entitled:

An Act to repeal sections 347.179, 347.183, 347.740, 351.127, 355.023, 356.233, 358.460, 358.470, 359.653, 400.9-528, and 417.018, RSMo, and to enact in lieu thereof twelve new sections relating to the secretary of state.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HCR 43**.

**HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE CONCURRENT RESOLUTION NO. 43**

WHEREAS, on February 7, 2019, Representative Alexandria Ocasio-Cortez introduced House Resolution 109 in the United States House of Representatives indicating that the federal government has a duty to create a Green New Deal to achieve net-zero greenhouse gas emissions

in ten years; and

WHEREAS, House Resolution 109 espouses a terrifying future based on arbitrary statistics and outcomes that can not truly be predicted. The solutions set out in the Green New Deal and House Resolution 109 will cost the United States trillions of dollars, with no clear path for paying to implement the plan; and

WHEREAS, Representative Ocasio-Cortez’s staff released a document detailing what the Green New Deal would entail, including massive changes to the way millions of people in the country live, with these changes happening on a radically short timeline; and

WHEREAS, the document, which contained Frequently Asked Questions, indicated that the goal was for net zero rather than zero emissions in ten years because they were not sure “that we’ll be able to fully get rid of farting cows and airplanes that fast”; and

WHEREAS, according to the University of Missouri Extension Service, Missouri is ranked number three in beef cow inventories with more than 2 million cows as of 2017 and is home to over 80,000 milk cows; and

WHEREAS, in 2012, Missouri ranked fourth in the country in the number of acres of soybeans planted and second in the number of acres of used for forage according to the U.S. Department of Agriculture; and

WHEREAS, eliminating or significantly reducing cattle and combustion engines would damage the agricultural industry in Missouri, which leads the way in feeding the world, by crippling the ability to engage in cattle ranching; cultivate the soil; produce and harvest rice, cotton, corn, soybeans, and other food products; and transport food products around the world; and

WHEREAS, the Boeing Corporation employs over 14,500 people in Missouri. Making air travel unnecessary would result in thousands of Boeing employees losing their jobs; and

WHEREAS, House Resolution 109 calls for “meeting 100 percent of the power demand in the United States through clean, renewable, and zero-emission energy sources” and the associated document called for phasing out fossil fuels and nuclear energy as soon as possible; and

WHEREAS, coal and nuclear power fuel the majority of Missouri’s electricity generation. According to the U.S. Energy Information Administration, coal fueled 81 percent and the Callaway Nuclear Generating Station provided 10 percent of Missouri’s electricity generation in 2017; and

WHEREAS, the nuclear power plant located in Callaway County, in the heart of the state, provides highly efficient, low-cost, carbon free electricity for Ameren Missouri’s 1.2 million customers; and

WHEREAS, the proposed Green New Deal would significantly damage Missouri’s electrical power industry by phasing out the use of fossil fuels and nuclear energy; and

WHEREAS, the proposed Green New Deal indicates that the federal government should ensure economic security for all people of the United States; and

WHEREAS, the document also indicated that the proposed Green New Deal sought “economic security for all who are unable or unwilling to work”; and

WHEREAS, the funds required to pay for a guaranteed income for all may increase as more people decide they are unwilling to work or are laid off as a result of the damage to various industries:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the One Hundredth General Assembly, First Regular Session, the Senate concurring therein, hereby urge President Donald J. Trump and members of Missouri’s congressional delegation to oppose the resolution proposing a Green New Deal; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for President Donald J. Trump and each member of the Missouri congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS**, as amended for **HB 260** and has taken up and passed **SCS** for **HB 260**, as amended.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SB 368**, as amended: Senators Hough, Libla, Romine, Curls and Williams.

**HOUSE BILLS ON THIRD READING**

**HCS No. 2** for **HB 499**, entitled:

An Act to repeal sections 304.580, 304.585, and 304.894, RSMo, and to enact in lieu thereof three new sections relating to accidents occurring in work or emergency zones, with penalty provisions.

Was taken up by Senator Schatz.

Senator Nasheed offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend House Committee Substitute No. 2 for House Bill No. 499, Page 1, In the Title, Line 3, by striking “accidents occurring in work or emergency zones” and inserting in lieu thereof the following: “penalties applied to motor vehicle operators”; and

Further amend said bill, page 4, section 304.585, line 104, by inserting immediately after said line the following:

“304.590. 1. As used in this section, the term “travel safe zone” means any area upon or around any highway, as defined in section 302.010, which is visibly marked by the department of transportation; and when a highway safety analysis demonstrates fatal or disabling motor vehicle crashes exceed a predicted safety performance level for comparable roadways as determined by the department of transportation.

2. Upon a conviction or a plea of guilty by any person for a moving violation as defined in section 302.010 or any offense listed in section 302.302, the court [shall] **may** double the amount of fine authorized to be imposed by law, if the moving violation or offense occurred within a travel safe zone.

3. Upon a conviction or plea of guilty by any person for a speeding violation under section 304.009 or 304.010, the court [shall] **may** double the amount of fine authorized by law, if the violation occurred within a travel safe zone.

4. The penalty authorized under subsections [1] **2** and **3** of this section shall only be assessed by the court if the department of transportation has erected signs upon or around a travel safe zone which are clearly visible from the highway and which state substantially the following message: “Travel Safe Zone — Fines Doubled”.

5. This section shall not be construed to enhance the assessment of court costs or the assessment of points under section 302.302.”; and

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted.

Senator Crawford assumed the Chair.

President Kehoe assumed the Chair.

Senator Crawford assumed the Chair.

At the request of Senator Schatz, **HCS No. 2** for **HB 499**, with **SA 1** (pending), was placed on the Informal Calendar.

**HCS for HB 192, with SCS, entitled:**

An Act to repeal sections 543.270 and 558.006, RSMo, and to enact in lieu thereof two new sections relating to the payment of fines, with penalty provisions.

Was taken up by Senator Emery.

**SCS for HCS for HB 192, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 192

An Act to repeal sections 479.011, 543.270, and 558.006, RSMo, and to enact in lieu thereof three new sections relating to court procedures, with penalty provisions.

Was taken up.

Senator Emery moved that **SCS for HCS for HB 192** be adopted.

Senator Emery offered **SS for SCS for HCS for HB 192**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 192

An Act to repeal sections 386.510, 386.515, 543.270, 558.006, and 558.019, RSMo, and to enact in lieu thereof five new sections relating to court procedures, with penalty provisions.

Senator Emery moved that **SS for SCS for HCS for HB 192** be adopted.

Senator Nasheed offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 192, Page 12, Section 558.019, Line 3 of said page, by inserting after all of said line the following:

**“570.028. 1. A person commits the offense of vehicle hijacking when he or she knowingly uses or explicitly or implicitly threatens the use of physical force upon another person or persons to seize or attempt to seize possession or control of a vehicle from the immediate possession or control of another person or persons.**

**2. The offense of vehicle hijacking is a class C felony unless it meets one of the criteria listed in subsection 3 of this section.**

**3. The following circumstances shall make the offense of vehicle hijacking punished as a class B felony:**

**(1) The person is armed with a deadly weapon; or**

**(2) The person uses or threatens the immediate use of a dangerous instrument against any person;**

**or**



**(3) The person displays or threatens the use of what appears to be a deadly weapon or dangerous instrument; or**

**(4) The person causes serious physical injury to any person in immediate possession, control, or presence of the vehicle.”; and**

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted.

Senator Emery raised the point of order that **SA 1** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled well taken.

Senator Nasheed offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 192, Page 1, Section A, Line 4 of said page, by inserting immediately after said line the following:

“304.590. 1. As used in this section, the term “travel safe zone” means any area upon or around any highway, as defined in section 302.010, which is visibly marked by the department of transportation; and when a highway safety analysis demonstrates fatal or disabling motor vehicle crashes exceed a predicted safety performance level for comparable roadways as determined by the department of transportation.

2. Upon a conviction or a plea of guilty by any person for a moving violation as defined in section 302.010 or any offense listed in section 302.302, the court [shall] **may** double the amount of fine authorized to be imposed by law, if the moving violation or offense occurred within a travel safe zone.

3. Upon a conviction or plea of guilty by any person for a speeding violation under section 304.009 or 304.010, the court [shall] **may** double the amount of fine authorized by law, if the violation occurred within a travel safe zone.

4. The penalty authorized under subsections [1] **2** and 3 of this section shall only be assessed by the court if the department of transportation has erected signs upon or around a travel safe zone which are clearly visible from the highway and which state substantially the following message: “Travel Safe Zone — Fines Doubled”.

5. This section shall not be construed to enhance the assessment of court costs or the assessment of points under section 302.302.”; and

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted, which motion prevailed.

Senator Rizzo offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 192, Page 4, Section 386.515, Line 1 by inserting after all of said line the following:

“476.001. An efficient, well operating and productive judiciary is essential to the preservation of the people’s liberty and prosperity. In order to achieve this goal, the general assembly and the supreme court must constantly be aware of the operations, needs, strengths and weaknesses of the judicial system. It is the purpose of sections 476.001, 476.055, 476.330 to 476.380, 476.412, 476.681, and 477.405 to provide the general assembly and the supreme court with the mechanisms to obtain on a continuing basis a comprehensive analysis of judicial resources and an efficient and organized method of identifying the problems and needs as they occur. It is the further purpose of sections 476.001, 476.055, 476.330 to 476.380, 476.412, 476.681, 477.405, 478.073, **and** 478.320[, and subdivision (12) of subsection 1 of section 600.042] to provide a system for the efficient allocation of available personnel, facilities and resources to achieve a uniform and effective operation of the judicial system.”; and

Further amend said bill, Page 5, Section 558.006, Line 30, by inserting after all of said line the following:

“600.042. 1. The director shall:

(1) Direct and supervise the work of the deputy directors and other state public defender office personnel appointed pursuant to this chapter; and he or she and the deputy director or directors may participate in the trial and appeal of criminal actions at the request of the defender;

(2) Submit to the commission, between August fifteenth and September fifteenth of each year, a report which shall include all pertinent data on the operation of the state public defender system, the costs, projected needs, and recommendations for statutory changes. Prior to October fifteenth of each year, the commission shall submit such report along with such recommendations, comments, conclusions, or other pertinent information it chooses to make to the chief justice, the governor, and the general assembly. Such reports shall be a public record, shall be maintained in the office of the state public defender, and shall be otherwise distributed as the commission shall direct;

(3) With the approval of the commission, establish such divisions, facilities and offices and select such professional, technical and other personnel, including investigators, as he deems reasonably necessary for the efficient operation and discharge of the duties of the state public defender system under this chapter;

(4) Administer and coordinate the operations of defender services and be responsible for the overall supervision of all personnel, offices, divisions and facilities of the state public defender system, except that the director shall have no authority to direct or control the legal defense provided by a defender to any person served by the state public defender system;

(5) Develop programs and administer activities to achieve the purposes of this chapter;

(6) Keep and maintain proper financial records with respect to the provision of all public defender services for use in the calculating of direct and indirect costs of any or all aspects of the operation of the state public defender system;

(7) Supervise the training of all public defenders and other personnel and establish such training courses as shall be appropriate;

(8) With approval of the commission, promulgate necessary rules, regulations and instructions consistent with this chapter defining the organization of the state public defender system and the responsibilities of division directors, district defenders, deputy district defenders, assistant public defenders and other personnel;

(9) With the approval of the commission, apply for and accept on behalf of the public defender system any funds which may be offered or which may become available from government grants, private gifts, donations or bequests or from any other source. Such moneys shall be deposited in the state general revenue fund;

(10) Contract for legal services with private attorneys on a case-by-case basis and with assigned counsel as the commission deems necessary considering the needs of the area, for fees approved and established by the commission;

(11) With the approval and on behalf of the commission, contract with private attorneys for the collection and enforcement of liens and other judgments owed to the state for services rendered by the state public defender system];

(12) Prepare a plan to establish district offices, the boundaries of which shall coincide with existing judicial circuits. Any district office may contain more than one judicial circuit within its boundaries, but in no event shall any district office boundary include any geographic region of a judicial circuit without including the entire judicial circuit. The director shall submit the plan to the chair of the house judiciary committee and the chair of the senate judiciary committee, with fiscal estimates, by December 31, 2014. The plan shall be implemented by December 31, 2021].

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

3. The director and defenders shall, within guidelines as established by the commission and as set forth in subsection 4 of this section, accept requests for legal services from eligible persons entitled to counsel under this chapter or otherwise so entitled under the constitution or laws of the United States or of the state of Missouri and provide such persons with legal services when, in the discretion of the director or the defenders, such provision of legal services is appropriate.

4. The director and defenders shall provide legal services to an eligible person:

(1) Who is detained or charged with a felony, including appeals from a conviction in such a case;

(2) Who is detained or charged with a misdemeanor which will probably result in confinement in the county jail upon conviction, including appeals from a conviction in such a case, unless the prosecuting or circuit attorney has waived a jail sentence;

(3) Who is charged with a violation of probation when it has been determined by a judge that the appointment of counsel is necessary to protect the person's due process rights under section 559.036;

(4) Who has been taken into custody pursuant to section 632.489, including appeals from a determination that the person is a sexually violent predator and petitions for release, notwithstanding any provisions of law to the contrary;

(5) For whom the federal constitution or the state constitution requires the appointment of counsel; and

(6) Who is charged in a case in which he or she faces a loss or deprivation of liberty, and in which the federal or the state constitution or any law of this state requires the appointment of counsel; however, the director and the defenders shall not be required to provide legal services to persons charged with violations of county or municipal ordinances, or misdemeanor offenses except as provided in this section.

5. The director may:

- (1) Delegate the legal representation of an eligible person to any member of the state bar of Missouri;
- (2) Designate persons as representatives of the director for the purpose of making indigency determinations and assigning counsel.”; and

Further amend the title and enacting clause accordingly.

Senator Rizzo moved that the above amendment be adopted, which motion prevailed.

Senator Sifton offered **SA 4**:

**SENATE AMENDMENT NO. 4**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 192, Page 1, Section A, Line 4, by inserting after all of said line the following:

“302.574. 1. If a person who was operating a vehicle refuses upon the request of the officer to submit to any chemical test under section 577.041, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person notice of his or her right to file a petition for review to contest the license revocation.

2. Such officer shall make a certified report under penalties of perjury for making a false statement to a public official. The report shall be forwarded to the director of revenue and shall include the following:

(1) That the officer has:

(a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

(2) That the person refused to submit to a chemical test;

(3) Whether the officer secured the license to operate a motor vehicle of the person;

(4) Whether the officer issued a fifteen-day temporary permit;

(5) Copies of the notice of revocation, the fifteen-day temporary permit, and the notice of the right to file a petition for review. The notices and permit may be combined in one document; and

(6) Any license, which the officer has taken into possession, to operate a motor vehicle.

3. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take

the test for a period of one year; or if the person is a nonresident, such person's operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year.

4. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may petition for a hearing before a circuit division or associate division of the court in the county in which the arrest or stop occurred. **Pursuant to local court rule promulgated pursuant to section 15 of article V of the Missouri Constitution, the case may also be assigned to a traffic judge pursuant to section 479.500.** The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation under this section. Upon the person's request, the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing, the court shall determine only:

(1) Whether the person was arrested or stopped;

(2) Whether the officer had:

(a) Reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer had reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

(3) Whether the person refused to submit to the test.

5. If the court determines any issue not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

6. Requests for review as provided in this section shall go to the head of the docket of the court wherein filed.

7. No person who has had a license to operate a motor vehicle suspended or revoked under the provisions of this section shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (24) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form

provided by the state courts administrator, to have the court hear and determine such motion under the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a similar offense in the future, except that the court may modify but [may] **shall** not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.001, or of a person determined to have operated a motor vehicle with a blood alcohol content of fifteen-hundredths of one percent or more by weight. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted under this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof, to be determined by the division of [alcohol and drug abuse] **behavioral health** of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010. The administrator of the program shall remit to the division of [alcohol and drug abuse] **behavioral health** of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due to the division of [alcohol and drug abuse] **behavioral health** under this section, and shall accrue at a rate not to exceed the annual rates established under the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health under this section shall be deposited in the mental health earnings fund, which is created in section 630.053.

9. Any administrator who fails to remit to the division of [alcohol and drug abuse] **behavioral health** of the department of mental health the supplemental fees and interest for all persons enrolled in the program under this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due to the division under this section. If the supplemental fees, interest, and penalties are not remitted to the division of [alcohol and drug abuse] **behavioral health** of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action for the collection of said fees and accrued interest. The court shall assess attorneys' fees and court costs against any delinquent program.

10. Any person who has had a license to operate a motor vehicle revoked under this section and who has a prior alcohol-related enforcement contact, as defined in section 302.525, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of license reinstatement. Such ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device within the last three months of the six-month

period of required installation of the ignition interlock device, then the period for which the person [must] **shall** maintain the ignition interlock device following the date of reinstatement shall be extended until the person has completed three consecutive months with no violations as described in this section. If the person fails to maintain such proof with the director as required by this section, the license shall be rerevoked until proof as required by this section is filed with the director, and the person shall be guilty of a class A misdemeanor.

11. The revocation period of any person whose license and driving privilege has been revoked under this section and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked.

12. A person commits the offense of failure to maintain proof with the Missouri department of revenue if, when required to do so, he or she fails to file proof with the director of revenue that any vehicle operated by the person is equipped with a functioning, certified ignition interlock device or fails to file proof of financial responsibility with the department of revenue in accordance with chapter 303. The offense of failure to maintain proof with the Missouri department of revenue is a class A misdemeanor.”; and

Further amend said bill, page 4, section 386.515, line 1 by inserting after all of said line the following:

“479.500. 1. In the twenty-first judicial circuit, a majority of the circuit judges, en banc, may establish a traffic court, which shall be a division of the circuit court, and may authorize the appointment of not more than three municipal judges who shall be known as traffic judges. The traffic judges shall be appointed by a traffic court judicial commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the circuit, and two members appointed by the county executive of St. Louis County, each of whom shall represent one of the two political parties casting the highest number of votes at the next preceding gubernatorial election. The procedures and operations of the traffic court judicial commission shall be established by circuit court rule.

2. Traffic judges may be authorized to act as commissioners to hear in the first instance nonfelony violations of state law involving motor vehicles, and such other offenses as may be provided by circuit court rule. Traffic judges may also be authorized to hear in the first instance violations of county and municipal ordinances involving motor vehicles, and other county ordinance violations, as provided by circuit court rule.

3. In the event that a county municipal court is established pursuant to section 66.010 which takes jurisdiction of county ordinance violations the circuit court may then authorize the appointment of no more than two traffic judges authorized to hear municipal ordinance violations other than county ordinance violations, and to act as commissioner to hear in the first instance nonfelony violations of state law involving motor vehicles, and such other offenses as may be provided by rule. These traffic court judges also may be authorized to act as commissioners to hear in the first instance petitions to review decisions of the department of revenue or the director of revenue filed pursuant to sections 302.309 and 302.311 and, prior to January 1, 2002, pursuant to sections 302.535 and 302.750.

4. After January 1, 2002, traffic judges, in addition to the authority provided in subsection 3 of this section, may be authorized by local court rule adopted pursuant to Article V, Section 15 of the Missouri Constitution to conduct proceedings pursuant to sections 302.535, **302.574**, and 302.750, subject to procedures that preserve a meaningful hearing before a judge of the circuit court, as follows:

(1) Conduct the initial call docket and accept uncontested dispositions of petitions to review;

(2) The petitioner shall have the right to the de novo hearing before a judge of the circuit court, except that, at the option of the petitioner, traffic judges may hear in the first instance such petitions for review.

5. In establishing a traffic court, the circuit may be divided into such sectors as may be established by a majority of the circuit and associate circuit judges, en banc. The traffic court in each sector shall hear those cases arising within the territorial limits of the sector unless a case arising within another sector is transferred as provided by operating procedures.

6. Traffic judges shall be licensed to practice law in this state and shall serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be residents of St. Louis County, and shall receive from the state as annual compensation an amount equal to one-third of the annual compensation of an associate circuit judge. Each judge shall devote approximately one-third of his working time to the performance of his duties as a traffic judge. Traffic judges shall not accept or handle cases in their practice of law which are inconsistent with their duties as a traffic judge and shall not be a judge or prosecutor for any other court. Traffic judges shall not be considered state employees and shall not be members of the state employees' or judicial retirement system or be eligible to receive any other employment benefit accorded state employees or judges.

7. A majority of the judges, en banc, shall establish operating procedures for the traffic court which shall provide for regular sessions in the evenings after 6:00 p.m. and for Saturday or other sessions as efficient operation and convenience to the public may require. Proceedings in the traffic court, except when a judge is acting as a commissioner pursuant to this section, shall be conducted as provided in supreme court rule 37. The hearing shall be before a traffic judge without jury, and the judge shall assume an affirmative duty to determine the merits of the evidence presented and the defenses of the defendant and may question parties and witnesses. In the event a jury trial is requested, the cause shall be certified to the circuit court for trial by jury as otherwise provided by law. Clerks and computer personnel shall be assigned as needed for the efficient operation of the court.

8. In establishing operating procedure, provisions shall be made for appropriate circumstances whereby defendants may enter not guilty pleas and obtain trial dates by telephone or written communication without personal appearance, or to plead guilty and deliver by mail or electronic transfer or other approved method the specified amount of the fine and costs as otherwise provided by law, within a specified period of time.

9. Operating procedures shall be provided for electronic recording of proceedings, except that if adequate recording equipment is not provided at county expense, then, in that event, a person aggrieved by a judgment of a traffic judge or commissioner shall have the right of a trial de novo. The procedures for perfecting the right of a trial de novo shall be the same as that provided under sections 512.180 to 512.320, except that the provisions of subsection 2 of section 512.180 shall not apply to such cases.

10. The circuit court shall only have the authority to appoint two commissioners with the jurisdiction provided in subsection 3 of this section.



11. All costs to establish and operate a county municipal court under section 66.010 and this section shall be borne by such county.”; and

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above amendment be adopted, which motion prevailed.

Senator Luetkemeyer offered **SA 5**:

**SENATE AMENDMENT NO. 5**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 192, Page 4, Section 386.515, Line 1 by inserting after all of said line the following:

“479.020. 1. Any city, town or village, including those operating under a constitutional or special charter, may, and cities with a population of four hundred thousand or more shall, provide by ordinance or charter for the selection, tenure and compensation of a municipal judge or judges consistent with the provisions of this chapter who shall have original jurisdiction to hear and determine all violations against the ordinances of the municipality. The method of selection of municipal judges shall be provided by charter or ordinance. Each municipal judge shall be selected for a term of not less than two years as provided by charter or ordinance.

2. Except where prohibited by charter or ordinance, the municipal judge may be a part-time judge and may serve as municipal judge in more than one municipality.

3. No person shall serve as a municipal judge of any municipality with a population of seven thousand five hundred or more or of any municipality in a county of the first class with a charter form of government unless the person is licensed to practice law in this state unless, prior to January 2, 1979, such person has served as municipal judge of that same municipality for at least two years.

4. Notwithstanding any other statute, a municipal judge need not be a resident of the municipality or of the circuit in which the municipal judge serves except where ordinance or charter provides otherwise. Municipal judges shall be residents of Missouri.

5. Judges selected under the provisions of this section shall be municipal judges of the circuit court and shall be divisions of the circuit court of the circuit in which the municipality, or major geographical portion thereof, is located. The judges of these municipal divisions shall be subject to the rules of the circuit court which are not inconsistent with the rules of the supreme court. The presiding judge of the circuit shall have general administrative authority over the judges and court personnel of the municipal divisions within the circuit.

6. No municipal judge shall hold any other office in the municipality which the municipal judge serves as judge. The compensation of any municipal judge and other court personnel shall not be dependent in any way upon the number of cases tried, the number of guilty verdicts reached or the amount of fines imposed or collected.

7. Municipal judges shall be at least twenty-one years of age. No person shall serve as municipal judge after that person has reached that person’s seventy-fifth birthday.

8. Within six months after selection for the position, each municipal judge who is not licensed to practice law in this state shall satisfactorily complete the course of instruction for municipal judges

prescribed by the supreme court. The state courts administrator shall certify to the supreme court the names of those judges who satisfactorily complete the prescribed course. If a municipal judge fails to complete satisfactorily the prescribed course within six months after the municipal judge's selection as municipal judge, the municipal judge's office shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal judge, nor shall any compensation thereafter be paid to such person for serving as municipal judge.

9. No municipal judge shall serve as a municipal judge in more than five municipalities at one time. **A court that serves more than one municipality shall be treated as a single municipality for the purposes of this subsection.**

479.190. 1. Any judge hearing violations of municipal ordinances may, when in his judgment it may seem advisable, grant a parole or probation to any person who shall plead guilty or who shall be convicted after a trial before such judge. When a person is placed on probation he shall be given a certificate explicitly stating the conditions on which he is being released.

2. In addition to such other authority as exists to order conditions of probation, the court may order conditions which the court believes will serve to compensate the victim of the crime, any dependent of the victim, or society in general. Such conditions may include, but need not be limited to:

(1) Restitution to the victim or any dependent of the victim, in an amount to be determined by the judge; and

(2) The performance of a designated amount of free work for a public or charitable purpose, or purposes, as determined by the judge.

3. A person may refuse probation conditioned on the performance of free work. If he does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any county, city, person, organization, or agency, or employee of a county, city, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the person placed on parole or probation or any person deriving a cause of action from him if such cause of action arises from such supervision of performance, except for intentional torts or gross negligence. The services performed by the probationer or parolee shall not be deemed employment within the meaning of the provisions of chapter 288.

4. The court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

**5. No municipal judge, municipal court personnel, or any prosecutor designated by the municipality or personnel assigned thereto shall supervise or have authority to hire, fire, or discipline any probation officer or probation personnel assigned by the municipality to perform the duties of probation or parole. This subsection shall not apply to any home rule city with more than ninety thousand but fewer than one hundred eight thousand inhabitants and partially located in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, or a home rule city with more than four hundred thousand inhabitants and located in more than one county.**

**479.275. In any county with a population greater than two hundred fifty thousand inhabitants, no individual in a political subdivision shall concurrently serve as prosecuting attorney and city**

**attorney. This provision does not apply to an individual who serves as a county officer or employee of a county with a charter form of government.**

479.353. 1. Notwithstanding any provisions to the contrary, the following conditions shall apply to minor traffic violations and municipal ordinance violations:

(1) The court shall not assess a fine, if combined with the amount of court costs, totaling in excess of:

(a) Two hundred twenty-five dollars for minor traffic violations; and

(b) For municipal ordinance violations committed within a twelve-month period beginning with the first violation: two hundred dollars for the first municipal ordinance violation, two hundred seventy-five dollars for the second municipal ordinance violation, three hundred fifty dollars for the third municipal ordinance violation, and four hundred fifty dollars for the fourth and any subsequent municipal ordinance violations;

(2) The court shall not sentence a person to confinement, except the court may sentence a person to confinement for any violation involving alcohol or controlled substances, violations endangering the health or welfare of others, or eluding or giving false information to a law enforcement officer;

(3) A person shall not be placed in confinement for failure to pay a fine unless such nonpayment violates terms of probation or unless the due process procedures mandated by Missouri supreme court rule 37.65 or its successor rule are strictly followed by the court;

(4) Court costs that apply shall be assessed against the defendant unless the court finds that the defendant is indigent based on standards set forth in determining such by the presiding judge of the circuit. Such standards shall reflect model rules and requirements to be developed by the supreme court; and

(5) No court costs shall be assessed if the defendant is found to be indigent under subdivision (4) of this section or if the case is dismissed.

**2. If an individual has been held in custody on a notice to show cause or an arrest warrant for an underlying minor traffic violation, the court, on its own motion or on the motion of any interested party, may review the original fine and sentence and waive or reduce such fine or sentence if the court finds it reasonable given the circumstances of the case.**

**479.354. For any notice to appear, citation, or summons on a minor traffic violation, the date and time the defendant is to appear in court shall be given when such notice to appear, citation, or summons is first provided to the defendant. If said notice is not properly given, the court shall reissue the notice, citation, or summons to the defendant and shall specifically set forth the date and time for the defendant to appear.”; and**

Further amend the title and enacting clause accordingly.

Senator Luetkemeyer moved that the above amendment be adopted.

At the request of Senator Emery, **HCS for HB 192**, with **SCS, SS for SCS and SA 5** (pending), was placed on the Informal Calendar.

President Kehoe assumed the Chair.

At the request of Senator Koenig, **HCS for HB 564**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Williams, **HCS for HB 678**, with **SCS**, was placed on the Informal Calendar.

**HCS for HB 399**, with **SCS**, entitled:

An Act to repeal section 376.1224, RSMo, and to enact in lieu thereof one new section relating to health care for persons with disabilities.

Was taken up by Senator Hoskins.

**SCS for HCS for HB 399**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 399

An Act to repeal section 376.1224, RSMo, and to enact in lieu thereof one new section relating to health care for persons with disabilities.

Was taken up.

Senator Hoskins moved that **SCS for HCS for HB 399** be adopted.

Senator Hoskins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 399, Page 3, Section 376.1224, Line 82, by striking “and” as it appears the third time on said line and inserting in lieu thereof the following: “**or**”.

Senator Hoskins moved that the above amendment be adopted, which motion prevailed.

Senator Walsh offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 399, Page 1, In the Title, Line 3, by inserting after “disabilities”, “, with an emergency clause for a certain section”; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

“208.930. 1. As used in this section, the term “department” shall mean the department of health and senior services.

2. Subject to appropriations, the department may provide financial assistance for consumer-directed personal care assistance services through eligible vendors, as provided in sections 208.900 through 208.927, to each person who was participating as a non-MO HealthNet eligible client pursuant to sections 178.661 through 178.673 on June 30, 2005, and who:

(1) Makes application to the department;

(2) Demonstrates financial need and eligibility under subsection 3 of this section;

(3) Meets all the criteria set forth in sections 208.900 through 208.927, except for subdivision (5) of subsection 1 of section 208.903;

(4) Has been found by the department of social services not to be eligible to participate under guidelines established by the MO HealthNet plan; and

(5) Does not have access to affordable employer-sponsored health care insurance or other affordable health care coverage for personal care assistance services as defined in section 208.900. For purposes of this section, “access to affordable employer-sponsored health care insurance or other affordable health care coverage” refers to health insurance requiring a monthly premium less than or equal to one hundred thirty-three percent of the monthly average premium required in the state’s current Missouri consolidated health care plan.

Payments made by the department under the provisions of this section shall be made only after all other available sources of payment have been exhausted.

3. (1) In order to be eligible for financial assistance for consumer-directed personal care assistance services under this section, a person shall demonstrate financial need, which shall be based on the adjusted gross income and the assets of the person seeking financial assistance and such person’s spouse.

(2) In order to demonstrate financial need, a person seeking financial assistance under this section and such person’s spouse must have an adjusted gross income, less disability-related medical expenses, as approved by the department, that is equal to or less than three hundred percent of the federal poverty level. The adjusted gross income shall be based on the most recent income tax return.

(3) No person seeking financial assistance for personal care services under this section and such person’s spouse shall have assets in excess of two hundred fifty thousand dollars.

4. The department shall require applicants and the applicant’s spouse, and consumers and the consumer’s spouse, to provide documentation for income, assets, and disability-related medical expenses for the purpose of determining financial need and eligibility for the program. In addition to the most recent income tax return, such documentation may include, but shall not be limited to:

- (1) Current wage stubs for the applicant or consumer and the applicant’s or consumer’s spouse;
- (2) A current W-2 form for the applicant or consumer and the applicant’s or consumer’s spouse;
- (3) Statements from the applicant’s or consumer’s and the applicant’s or consumer’s spouse’s employers;
- (4) Wage matches with the division of employment security;
- (5) Bank statements; and
- (6) Evidence of disability-related medical expenses and proof of payment.

5. A personal care assistance services plan shall be developed by the department pursuant to section 208.906 for each person who is determined to be eligible and in financial need under the provisions of this section. The plan developed by the department shall include the maximum amount of financial assistance allowed by the department, subject to appropriation, for such services.

6. Each consumer who participates in the program is responsible for a monthly premium equal to the average premium required for the Missouri consolidated health care plan; provided that the total premium described in this section shall not exceed five percent of the consumer’s and the consumer’s spouse’s adjusted gross income for the year involved.

7. (1) Nonpayment of the premium required in subsection 6 shall result in the denial or termination of assistance, unless the person demonstrates good cause for such nonpayment.

(2) No person denied services for nonpayment of a premium shall receive services unless such person shows good cause for nonpayment and makes payments for past-due premiums as well as current premiums.

(3) Any person who is denied services for nonpayment of a premium and who does not make any payments for past-due premiums for sixty consecutive days shall have their enrollment in the program terminated.

(4) No person whose enrollment in the program is terminated for nonpayment of a premium when such nonpayment exceeds sixty consecutive days shall be reenrolled unless such person pays any past-due premiums as well as current premiums prior to being reenrolled. Nonpayment shall include payment with a returned, refused, or dishonored instrument.

8. (1) Consumers determined eligible for personal care assistance services under the provisions of this section shall be reevaluated annually to verify their continued eligibility and financial need. The amount of financial assistance for consumer-directed personal care assistance services received by the consumer shall be adjusted or eliminated based on the outcome of the reevaluation. Any adjustments made shall be recorded in the consumer's personal care assistance services plan.

(2) In performing the annual reevaluation of financial need, the department shall annually send a reverification eligibility form letter to the consumer requiring the consumer to respond within ten days of receiving the letter and to provide income and disability-related medical expense verification documentation. If the department does not receive the consumer's response and documentation within the ten-day period, the department shall send a letter notifying the consumer that he or she has ten days to file an appeal or the case will be closed.

(3) The department shall require the consumer and the consumer's spouse to provide documentation for income and disability-related medical expense verification for purposes of the eligibility review. Such documentation may include but shall not be limited to the documentation listed in subsection 4 of this section.

9. (1) Applicants for personal care assistance services and consumers receiving such services pursuant to this section are entitled to a hearing with the department of social services if eligibility for personal care assistance services is denied, if the type or amount of services is set at a level less than the consumer believes is necessary, if disputes arise after preparation of the personal care assistance plan concerning the provision of such services, or if services are discontinued as provided in section 208.924. Services provided under the provisions of this section shall continue during the appeal process.

(2) A request for such hearing shall be made to the department of social services in writing in the form prescribed by the department of social services within ninety days after the mailing or delivery of the written decision of the department of health and senior services. The procedures for such requests and for the hearings shall be as set forth in section 208.080.

10. Unless otherwise provided in this section, all other provisions of sections 208.900 through 208.927 shall apply to individuals who are eligible for financial assistance for personal care assistance services under this section.

11. The department may promulgate rules and regulations, including emergency rules, to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is

subject to all of the provisions of chapter 536 and, if applicable, section 536.028. Any provisions of the existing rules regarding the personal care assistance program promulgated by the department of elementary and secondary education in title 5, code of state regulations, division 90, chapter 7, which are inconsistent with the provisions of this section are void and of no force and effect.

[12. The provisions of this section shall expire on June 30, 2019.]; and

Further amend said bill, Page 8, Section 376.1224, Line 242, by inserting after all of said line the following:

“Section B. Because of the need to ensure continuity of care and stability of necessary services, the repeal and reenactment of section 208.930 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 208.930 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Walsh moved that the above amendment be adopted, which motion prevailed.

Senator Schupp offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 399, Page 1, In the Title, Line 3 of the title, by striking “health care for persons with disabilities” and inserting in lieu thereof the following: “private health insurance”; and

Further amend said bill and page, Section A, Line 2, by inserting after all of said line the following:

“376.690. 1. As used in this section, the following terms shall mean:

- (1) “Emergency medical condition”, the same meaning given to such term in section 376.1350;
- (2) “Facility”, the same meaning given to such term in section 376.1350;
- (3) “Health care professional”, the same meaning given to such term in section 376.1350;
- (4) “Health carrier”, the same meaning given to such term in section 376.1350;

(5) “Unanticipated out-of-network care”, health care services received by a patient in an in-network facility from an out-of-network health care professional from the time the patient presents with an emergency medical condition until the time the patient is discharged.

2. (1) Health care professionals [may] **shall** send any claim for charges incurred for unanticipated out-of-network care to the patient’s health carrier within one hundred eighty days of the delivery of the unanticipated out-of-network care on a U.S. Centers of Medicare and Medicaid Services Form 1500, or its successor form, or electronically using the 837 HIPAA format, or its successor.

(2) Within forty-five processing days, as defined in section 376.383, of receiving the health care professional’s claim, the health carrier shall offer to pay the health care professional a reasonable reimbursement for unanticipated out-of-network care based on the health care professional’s services. If the health care professional participates in one or more of the carrier’s commercial networks, the offer of

reimbursement for unanticipated out-of-network care shall be the amount from the network which has the highest reimbursement.

(3) If the health care professional declines the health carrier's initial offer of reimbursement, the health carrier and health care professional shall have sixty days from the date of the initial offer of reimbursement to negotiate in good faith to attempt to determine the reimbursement for the unanticipated out-of-network care.

(4) If the health carrier and health care professional do not agree to a reimbursement amount by the end of the sixty-day negotiation period, the dispute shall be resolved through an arbitration process as specified in subsection 4 of this section.

(5) To initiate arbitration proceedings, either the health carrier or health care professional must provide written notification to the director and the other party within one hundred twenty days of the end of the negotiation period, indicating their intent to arbitrate the matter and notifying the director of the billed amount and the date and amount of the final offer by each party. A claim for unanticipated out-of-network care may be resolved between the parties at any point prior to the commencement of the arbitration proceedings. Claims may be combined for purposes of arbitration, but only to the extent the claims represent similar circumstances and services provided by the same health care professional, and the parties attempted to resolve the dispute in accordance with subdivisions (3) to (5) of this subsection.

(6) No health care professional who sends a claim to a health carrier under subsection 2 of this section shall send a bill to the patient for any difference between the reimbursement rate as determined under this subsection and the health care professional's billed charge.

3. (1) When unanticipated out-of-network care is provided, the health care professional who sends a claim to a health carrier under subsection 2 of this section may bill a patient for no more than the cost-sharing requirements described under this section.

(2) Cost-sharing requirements shall be based on the reimbursement amount as determined under subsection 2 of this section.

(3) The patient's health carrier shall inform the health care professional of its enrollee's cost-sharing requirements within forty-five processing days of receiving a claim from the health care professional for services provided.

(4) The in-network deductible and out-of-pocket maximum cost-sharing requirements shall apply to the claim for the unanticipated out-of-network care.

4. The director shall ensure access to an external arbitration process when a health care professional and health carrier cannot agree to a reimbursement under subdivision (3) of subsection 2 of this section. In order to ensure access, when notified of a parties' intent to arbitrate, the director shall randomly select an arbitrator for each case from the department's approved list of arbitrators or entities that provide binding arbitration. The director shall specify the criteria for an approved arbitrator or entity by rule. The costs of arbitration shall be shared equally between and will be directly billed to the health care professional and health carrier. These costs will include, but are not limited to, reasonable time necessary for the arbitrator to review materials in preparation for the arbitration, travel expenses and reasonable time following the arbitration for drafting of the final decision.

5. At the conclusion of such arbitration process, the arbitrator shall issue a final decision, which shall



be binding on all parties. The arbitrator shall provide a copy of the final decision to the director. The initial request for arbitration, all correspondence and documents received by the department and the final arbitration decision shall be considered a closed record under section 374.071. However, the director may release aggregated summary data regarding the arbitration process. The decision of the arbitrator shall not be considered an agency decision nor shall it be considered a contested case within the meaning of section 536.010.

6. The arbitrator shall determine a dollar amount due under subsection 2 of this section between one hundred twenty percent of the Medicare-allowed amount and the seventieth percentile of the usual and customary rate for the unanticipated out-of-network care, as determined by benchmarks from independent nonprofit organizations that are not affiliated with insurance carriers or provider organizations.

7. When determining a reasonable reimbursement rate, the arbitrator shall consider the following factors if the health care professional believes the payment offered for the unanticipated out-of-network care does not properly recognize:

(1) The health care professional's training, education, or experience;

(2) The nature of the service provided;

(3) The health care professional's usual charge for comparable services provided;

(4) The circumstances and complexity of the particular case, including the time and place the services were provided; and

(5) The average contracted rate for comparable services provided in the same geographic area.

8. The enrollee shall not be required to participate in the arbitration process. The health care professional and health carrier shall execute a nondisclosure agreement prior to engaging in an arbitration under this section.

9. [This section shall take effect on January 1, 2019.

10.] The department of insurance, financial institutions and professional registration may promulgate rules and fees as necessary to implement the provisions of this section, including but not limited to procedural requirements for arbitration. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator Nasheed offered **SA 4**:

#### SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 399, Page 1,

In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “relating to required coverages for health benefit plans.”; and

Further amend said bill and page, section A, line 2, by inserting immediately after said line the following:

**“376.1211. 1. As used in this section, the following terms shall mean:**

**(1) “Health benefit plan”, the same meaning as defined in section 376.1350;**

**(2) “Infertility”, the inability to conceive after one year of unprotected sexual intercourse or the inability to sustain a successful pregnancy.**

**2. No health benefit plan providing coverage for more than twenty-five employees that provides pregnancy related benefits shall be issued, amended, delivered, or renewed in this state after August 28, 2019, unless the plan contains coverage for the diagnosis and treatment of infertility, including but not limited to in vitro fertilization, uterine embryo lavage, embryo transfer, artificial insemination, gamete intrafallopian tube transfer, or zygote intrafallopian tube transfer, and low tubal ovum transfer.**

**3. The coverage required under subsection 2 of this section for in vitro fertilization, gamete intrafallopian tube transfer, or zygote intrafallopian tube transfer shall be required only if:**

**(1) The covered individual has been unable to attain or sustain a successful pregnancy through reasonable, less costly medically appropriate infertility treatments for which coverage is available under the health benefit plan;**

**(2) The covered individual has not undergone four completed oocyte retrievals, except that if a live birth follows a completed oocyte retrieval, then two more completed oocyte retrievals shall be covered; and**

**(3) The procedures are performed at medical facilities that conform to the American College of Obstetric and Gynecology guidelines for in vitro fertilization clinics or to the American Fertility Society minimal standards for programs of in vitro fertilization.**

**4. The procedures required to be covered under this section are not required to be contained in any health benefit plan issued to or by a religious institution or organization, or to or by an entity sponsored by a religious institution or organization, that finds the procedures required to be covered under this section to violate its religious and moral teachings and beliefs.”; and**

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted.

At the request of Senator Hoskins, **HCS for HB 399**, with **SCS** and **SA 4** (pending), was placed on the Informal Calendar.

At the request of Senator Koenig, **HB 126**, with **SCS**, was placed on the Informal Calendar.

**HB 138**, introduced by Representative Kidd, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to life-sustaining treatment policies of health care facilities.

Was taken up by Senator Wallingford.

Senator Wallingford offered **SS** for **HB 138**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 138

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to life-sustaining treatment policies.

Senator Wallingford moved that **SS** for **HB 138** be adopted, which motion prevailed.

On motion of Senator Wallingford, **SS** for **HB 138** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	Nasheed	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senator May—1

Absent with leave—Senator O’Laughlin—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

At the request of Senator Wallingford, **HB 332**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Arthur, **HCS** for **HBs 243** and **544**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 220**, with **SCS**, entitled:

An Act to repeal section 153.034, RSMo, and to enact in lieu thereof one new section relating to taxation of the property of electric companies.

Was taken up by Senator Emery.

**SCS** for **HCS** for **HB 220**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 220

An Act to repeal sections 153.030 and 153.034, RSMo, and to enact in lieu thereof two new sections relating to taxation of the property of electric companies.

Was taken up.

Senator Emery moved that **SCS** for **HCS** for **HB 220** be adopted.

Senator Emery offered **SS** for **SCS** for **HCS** for **HB 220**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 220

An Act to repeal sections 153.030 and 153.034, RSMo, and to enact in lieu thereof three new sections relating to taxation of the property of electric companies.

Senator Emery moved that **SS** for **SCS** for **HCS** for **HB 220** be adopted.

Senator Emery offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 220, Page 1, In the Title, Line 4, by striking all of said line and inserting in lieu thereof the following: “the taxation of companies regulated by the public service commission.”; and

Further amend said bill and page, section A, line 3, by inserting immediately after said line the following:

“144.020. 1. A tax is hereby levied and imposed for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be titled under the laws of the state of Missouri and, except as provided in subdivision (9) of this subsection, upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of this subsection, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events, except amounts paid for any instructional class;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) **(a)** tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment

of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

**(b) If local and long distance telecommunications services subject to tax under this subdivision are aggregated with and not separately stated from charges for telecommunications service or other services not subject to tax under this subdivision, including, but not limited to, interstate or international telecommunications services, then the charges for nontaxable services may be subject to taxation unless the telecommunications provider can identify by reasonable and verifiable standards such portion of the charges not subject to such tax from its books and records that are kept in the regular course of business, including, but not limited to, financial statement, general ledgers, invoice and billing systems and reports, and reports for regulatory tariffs and other regulatory matters;**

**(c) A telecommunications provider shall notify the director of revenue of its intention to utilize the standards described in paragraph (b) of this subdivision to determine the charges that are subject to sales tax under this subdivision. Such notification shall be in writing and shall meet standardized criteria established by the department regarding the form and format of such notice;**

**(d) The director of revenue may promulgate and enforce reasonable rules and regulations for the administration and enforcement of the provisions of this subdivision. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void;**

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public. The tax imposed under this subdivision shall not apply to any automatic mandatory gratuity for a large group imposed by a restaurant when such gratuity is reported as employee tip income and the restaurant withholds income tax under section 143.191 on such gratuity;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of sale at retail or leased or rented the property and the tax was paid at the

time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof;

(9) A tax equivalent to four percent of the purchase price, as defined in section 144.070, of new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. This tax is imposed on the person titling such property, and shall be paid according to the procedures in section 144.440.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words “This ticket is subject to a sales tax.”; and

Further amend the title and enacting clause accordingly.

Senator Emery moved that the above amendment be adopted, which motion prevailed.

Senator Hough assumed the Chair.

Senator Emery moved that **SS** for **SCS** for **HCS** for **HB 220**, as amended, be adopted, which motion prevailed.

Senator Emery moved that **SS** for **SCS** for **HCS** for **HB 220**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Schatz referred **SS** for **SCS** for **HCS** for **HB 220** as amended, to the Committee on Fiscal Oversight.

**HB 821**, introduced by Representative Solon, entitled:

An Act to repeal section 140.190, RSMo, and to enact in lieu thereof eighteen new sections relating to land banks, with penalty provisions.

Was taken up by Senator Luetkemeyer.

Senator Luetkemeyer offered **SS** for **HB 821**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 821

An Act to repeal section 140.190, RSMo, and to enact in lieu thereof eighteen new sections relating to land banks, with penalty provisions.

Senator Luetkemeyer moved that **SS** for **HB 821** be adopted, which motion prevailed.

On motion of Senator Luetkemeyer, **SS** for **HB 821** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	Nasheed	Onder	Riddle	Rizzo
Romine	Rowden	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

## NAYS—Senators—None

## Absent—Senators

May Sater—2

Absent with leave—Senator O’Laughlin—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Luetkemeyer, title to the bill was agreed to.

Senator Luetkemeyer moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Cunningham moved that the conferees on **SB 133**, with **HCS**, be allowed to exceed the differences in Section 195.767 for the limited purpose of clarifying that research may only take place by higher education institutions as authorized by Sec. 7606 of the Federal Agricultural Act of 2014.

### INTRODUCTIONS OF GUESTS

Senator Sifton introduced to the Senate, Allee Marshall, Kirksville; and Katie Vogel, Jefferson City.

Senator Koenig introduced to the Senate, Victoria Hooker, Waynesville.

Senator Rowden introduced to the Senate, Dayna Linneman, Columbia; and Mark Fiegenbaum, Odessa.

Senator Libla introduced to the Senate, Herman Styles, Poplar Bluff.

Senator Bernskoetter introduced to the Senate, the Physician of the Day. Dr. James D. Weiss, Jefferson City.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

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SIXTY-FOURTH DAY—WEDNESDAY, MAY 8, 2019

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FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 744

HB 535-Anderson

THIRD READING OF SENATE BILLS

SCS for SB 465-Burlison (In Fiscal Oversight)

SB 255-Bernskoetter (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- |                               |                                  |
|-------------------------------|----------------------------------|
| 1. SB 430-Libla               | 17. SB 286-Hough                 |
| 2. SB 186-Hegeman             | 18. SB 325-Crawford, with SCS    |
| 3. SB 302-Wallingford         | 19. SBs 8 & 74-Emery, with SCS   |
| 4. SB 347-Burlison            | 20. SB 386-O'Laughlin, with SCS  |
| 5. SB 439-Brown               | 21. SB 272-Emery, with SCS       |
| 6. SB 303-Riddle, with SCS    | 22. SB 265-Luetkemeyer, with SCS |
| 7. SB 376-Riddle              | 23. SB 135-Sifton, with SCS      |
| 8. SB 82-Cunningham, with SCS | 24. SB 342-Curls and Nasheed     |
| 9. SB 161-Cunningham          | 25. SB 424-Luetkemeyer           |
| 10. SB 144-Burlison, with SCS | 26. SB 367-Burlison              |
| 11. SJR 20-Koenig, with SCS   | 27. SB 22-Nasheed, with SCS      |
| 12. SB 208-Wallingford        | 28. SJR 25-Libla, with SCS       |
| 13. SB 189-Crawford, with SCS | 29. SB 140-Koenig, with SCS      |
| 14. SB 385-Bernskoetter       | 30. SJR 21-May                   |
| 15. SB 409-Wieland, et al     | 31. SB 308-Onder                 |
| 16. SB 437-Hoskins            |                                  |

HOUSE BILLS ON THIRD READING

- |  |   |
|--|---|
| 1. HB 485-Dogan, with SCS (Emery)<br>(In Fiscal Oversight) | 2. HB 565-Morse, with SCS (Wallingford) |
|  | 3. HCS for HB 447, with SCS (Riddle)    |



- |  |   |
|--|---|
| 4. HB 113-Smith, with SCS (Emery)                              | 28. HCS for HBs 161 & 401, with SCS<br>(Cunningham)                 |
| 5. HCS for HB 604, with SCS (Hoskins)                          | 29. HB 321-Solon (Luetkemeyer)                                      |
| 6. HB 214-Trent (Hough)  | 30. HCS for HB 67, with SCS (Luetkemeyer)<br>(In Fiscal Oversight)  |
| 7. HCS for HB 1088 (Hoskins)                                   | 31. HB 240-Schroer, with SCS (Luetkemeyer)<br>(In Fiscal Oversight) |
| 8. HB 355-Plocher, with SCS (Wallingford)                      | 32. HB 337-Swan (Wallingford)<br>(In Fiscal Oversight)              |
| 9. HCS for HB 160, with SCS (White)                            | 33. HB 267-Baker (Emery)  |
| 10. HB 584-Knight, with SCS (Wallingford)                      | 34. HB 757-Bondon (Wieland)   |
| 11. HB 599-Bondon, with SCS (Cunningham)                       | 35. HB 942-Wiemann (Brown)  |
| 12. HB 1029-Bondon (Brown)                                     | 36. HB 815-Black (137) (Hough)                                      |
| 13. HB 257-Stephens (Sater)                                    | 37. HB 705-Helms, with SCS (Riddle)<br>(In Fiscal Oversight)        |
| 14. HB 563-Wiemann (Wallingford)                               | 38. HCS for HB 301, with SCS (Burlison)                             |
| 15. HCS for HB 266, with SCS (Hoskins)                         | 39. HB 600-Bondon (Cunningham)<br>(In Fiscal Oversight)             |
| 16. HCS for HB 959, with SCS (Cierpiot)                        | 40. HB 943-McGill (Hoskins)<br>(In Fiscal Oversight)                |
| 17. HCS for HB 333, with SCS (Crawford)                        | 41. HB 372-Trent (Wallingford)                                      |
| 18. HB 461-Pfautsch (Brown)                                    | 42. HCS for HB 438 (Brown)  |
| 19. HCS for HB 824 (Hoskins)                                   | 43. HCS for HB 1127 (Riddle)  |
| 20. HB 587-Rone (Crawford)                                     | 44. HCS for HB 400 (White) (In Fiscal Oversight)                    |
| 21. HCS for HB 346 (Wallingford)                               | 45. HB 966-Gregory (Onder)<br>(In Fiscal Oversight)                 |
| 22. HB 1061-Patterson (Hoskins)                                |   |
| 23. HB 470-Grier, with SCS (O'Laughlin)                        |   |
| 24. HB 186-Trent, with SCS (Burlison)<br>(In Fiscal Oversight) |   |
| 25. HCS for HB 466, with SCS (Riddle)<br>(In Fiscal Oversight) |   |
| 26. HCS for HB 229, with SCS (Wallingford)                     |   |
| 27. HB 646-Rowland (Sater)<br>(In Fiscal Oversight)            |   |

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

- |  |  |
|--|--|
| SB 4-Sater   | SB 31-Wieland  |
| SB 5-Sater, et al, with SCS  | SB 39-Onder  |
| SB 10-Cunningham, with SCS & SA 1<br>(pending)                         | SB 44-Hoskins, with SCS & SS#3 for SCS<br>(pending)          |
| SB 14-Wallingford  | SBs 46 & 50-Koenig, with SCS, SS for SCS<br>& SA 6 (pending) |
| SB 16-Romine, with SCS, SS for SCS, SA 3<br>& point of order (pending) | SB 49-Rowden, with SCS                                       |
| SB 19-Libla, with SA 1 (pending)                                       | SB 52-Eigel, with SCS  |

SB 56-Cierpiot, with SCS, SS for SCS &  
SA 1 (pending)  
SB 57-Cierpiot  
SB 62-Burlison, with SCS  
SB 65-White, with SS (pending)  
SB 69-Hough  
SB 76-Sater, with SCS (pending)  
SB 78-Sater  
SB 97-Hegeman, with SCS  
SB 100-Riddle, with SS (pending)  
SB 118-Cierpiot, with SCS  
SB 132-Emery, with SCS  
SB 141-Koenig  
SB 150-Koenig, with SCS  
SBs 153 & 117-Sifton, with SCS  
SB 154-Luetkemeyer, with SS & SA 2  
(pending)  
SB 155-Luetkemeyer  
SB 160-Koenig, with SCS, SS for SCS &  
SA 2 (pending)  
SB 168-Wallingford, with SCS  
SB 201-Romine  
SB 205-Arthur, with SCS  
SB 211-Wallingford  
SB 222-Hough  
SB 225-Curls  
SB 234-White  
SB 252-Wieland, with SCS  
SB 259-Romine, with SS & SA 3 (pending)

SB 276-Rowden, with SCS  
SB 278-Wallingford, with SCS  
SBs 279, 139 & 345-Onder and Emery,  
with SCS  
SB 292-Eigel, with SCS & SS#2 for SCS  
(pending)  
SB 293-Hough, with SCS  
SB 296-Cierpiot, with SCS  
SB 298-White, with SCS  
SB 300-Eigel  
SB 312-Eigel  
SB 316-Burlison  
SB 318-Burlison  
SB 328-Burlison, with SCS  
SB 332-Brown  
SB 336-Schupp  
SB 343-Eigel, with SCS  
SB 344-Eigel, with SCS  
SB 349-O'Laughlin, with SCS  
SB 350-O'Laughlin  
SB 354-Cierpiot, with SCS  
SB 412-Holsman  
SB 426-Williams  
SB 431-Schatz, with SCS  
SJR 1-Sater and Onder, with SS#2 & SA 1  
(pending)  
SJR 13-Holsman, with SCS, SS for SCS &  
SA 1 (pending)  
SJR 18-Cunningham

#### HOUSE BILLS ON THIRD READING

HB 126-Schroer, with SCS (Koenig)  
HCS for HB 169, with SCS (Romine)  
HB 188-Rehder (Luetkemeyer)  
HCS for HB 192, with SCS, SS for SCS &  
SA 5 (pending) (Emery)  
HB 219-Wood (Sater)  
SS for SCS for HCS for HB 220 (Emery)  
(In Fiscal Oversight)

HCS for HB 225, with SCS, SS for SCS &  
SA 1 (pending) (Romine)  
HCS for HBs 243 & 544, with SCS (Arthur)  
HCS for HB 255, with SS & SA 5 (pending)  
(Cierpiot)  
HB 332-Lynch, with SCS (Wallingford)  
HCS for HB 399, with SCS & SA 4  
(pending) (Hoskins)

HCS for HB 469 (Wallingford)  
HCS#2 for HB 499, with SA 1 (pending)  
(Schatz)  
SCS for HCS for HB 547 (Bernskoetter)  
(In Fiscal Oversight)

HCS for HB 564, with SCS (Koenig)  
HCS for HB 677, with SA 1 (pending)  
(Cierpiot)  
HCS for HB 678, with SCS (Williams)  
HB 831-Sharpe, with SS (pending) (Brown)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SB 17-Romine, with HA 1, HA 2, HA 3,  
HA 4 & HA 5  
SCS for SB 83-Cunningham, with HA 1 &  
HA 2, as amended  
SCS for SB 167-Crawford, with HCS,  
as amended

SB 196-Bernskoetter, with HCS, as amended  
SS for SCS for SB 230-Crawford, with HA 1,  
HA 2, HA 3, as amended, HA 4, HA 5 &  
HA 6

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

SB 53-Crawford, with HCS, as amended  
SB 133-Cunningham, with HCS  
SB 368-Hough, with HA 1, HA 2, HA 3,  
HA 4, HA 5, HA 6, HA 7 & HA 8  
HCS for HB 2, with SCS (Hegeman)  
HCS for HB 3, with SCS (Hegeman)  
HCS for HB 4, with SCS (Hegeman)  
HCS for HB 5, with SCS (Hegeman)

HCS for HB 6, with SCS (Hegeman)  
HCS for HB 7, with SS for SCS (Hegeman)  
HCS for HB 8, with SCS (Hegeman)  
HCS for HB 9, with SCS (Hegeman)  
HCS for HB 10, with SS for SCS (Hegeman)  
HCS for HB 11, with SCS (Hegeman)  
HCS for HB 12, with SCS (Hegeman)  
HCS for HB 13, with SCS (Hegeman)

##### Requests to Recede or Grant Conference

SB 182-Cierpiot, et al, with HCS, as amended  
(Senate requests House recede or grant  
conference)

HCS for HB 397, with SS for SCS, as amended  
(Riddle) (House requests Senate recede or grant  
conference)

#### RESOLUTIONS

SR 20-Holsman

SR 731-Hoskins

Reported from Committee

SCR 8-Holsman  
SCR 15-Burlison  
SCR 19-Eigel  
SCR 21-May  
SCR 22-Holsman

SCR 23-Luetkemeyer  
SCR 24-Hegeman and Luetkemeyer  
SCR 26-Bernskoetter  
HCS for HCR 16 (Hoskins)  
HCR 18-Spencer (Eigel)

To be Referred

HCS for HCR 43

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# Journal of the Senate

FIRST REGULAR SESSION

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**SIXTY-FOURTH DAY—WEDNESDAY, MAY 8, 2019**

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The Senate met pursuant to adjournment.

Senator Emery in the Chair.

Reverend Carl Gauck offered the following prayer:

“The clever see danger and hide;” (Proverbs 22:3)

Omniscient God, let us always be guided by wisdom that makes us discern and be wise. Help us to boldly do what is right and necessary always trusting Your guidance. And let our instincts see the problems before us and ways to do what is good for all. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Rowden announced photographers from KOMU-8 News, Canadian Broadcasting Corporation, Associated Press and Columbia Missourian were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Williams offered Senate Resolution No. 901, regarding Kimberley Tran, which was adopted.

Senator Rowden offered Senate Resolution No. 902, regarding Moses U. Payne, which was adopted.

Senator Rowden offered Senate Resolution No. 903, regarding Dorothy Caldwell, which was adopted.

Senator White offered Senate Resolution No. 904, regarding the Fiftieth Wedding Anniversary of Peter and Deborah Eck, Sarcoxie, which was adopted.

President Pro Tem Schatz assumed the Chair.

## REPORTS OF STANDING COMMITTEES

Senator Wallingford, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HB 1062**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Walsh, Chairman of the Committee on Progress and Development, submitted the following report:

Mr. President: Your Committee on Progress and Development, to which was referred **HJR 54**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Libla, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 191**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HCS No. 2** for **HB 626**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HCS** for **HB 207**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hegeman, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 17**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 18**, begs leave

to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 19**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wieland, Chairman of the Committee on Insurance and Banking, submitted the following reports:

Mr. President: Your Committee on Insurance and Banking, to which was referred **HB 756**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **HB 83**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Onder, Chairman of the Committee on Health and Pensions, submitted the following report:

Mr. President: Your Committee on Health and Pensions, to which was referred **HB 758**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 34**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 6**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **HJR**s **48, 46** and **47**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **HB 937**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Koenig, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 703**, begs

leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crawford, Chairman of the Committee on Local Government and Elections, submitted the following report:

Mr. President: Your Committee on Local Government and Elections, to which was referred **HB 761**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Emery assumed the Chair.

### **REFERRALS**

President Pro Tem Schatz referred **HCS** for **HCR 43** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **PRIVILEGED MOTIONS**

Senator Hegeman moved that the conferees on **SCS** for **HCS** for **HB 3** be allowed to exceed the differences in Section 3.070, which motion prevailed.

Senator Hegeman moved that the conferees on **SCS** for **HCS** for **HB 4** be allowed to exceed the differences in Section 4.430, which motion prevailed.

Senator Romine moved that the Senate refuse to concur in **SB 17**, with **HA 1**, **HA 2**, **HA 3**, **HA 4** and **HA 5** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Riddle moved that the Senate refuse to recede from its position on **HCS** for **HB 397**, with **SS** for **SCS**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Crawford moved that the Senate refuse to concur in **HA 1**, **HA 2**, **HA 3**, as amended, **HA 4**, **HA 5** and **HA 6** to **SS** for **SCS** for **SB 230**, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Cunningham moved that the Senate refuse to concur in **HA 1** and **HA 2**, as amended to **SCS** for **SB 83**, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **HCS** for **HB 397**, with **SS** for **SCS**, as amended: Senators Riddle, Sater, Brown, Walsh and Schupp.

### **HOUSE BILLS ON THIRD READING**

**HB 219**, introduced by Representative Wood, entitled:

An Act to repeal section 208.146, RSMo, and to enact in lieu thereof one new section relating to health assurance programs.

Was taken up by Senator Sater.



Senator Sater offered **SS** for **HB 219**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 219

An Act to repeal sections 191.603, 191.605, 191.607, 192.667, 193.015, 195.060, 195.080, 195.100, 196.100, 198.082, 208.146, 208.151, 208.225, 208.790, 221.111, 332.361, 334.037, 334.104, 334.108, 334.735, 334.736, 334.747, 334.749, 335.175, 338.010, 338.015, 338.055, 338.056, 338.140, 374.500, 376.1350, 376.1356, 376.1363, 376.1372, 376.1385, 630.175, and 630.875, RSMo, and to enact in lieu thereof forty-nine new sections relating to health care, with penalty provisions.

Senator Sater moved that **SS** for **HB 219** be adopted.

Senator Sifton raised the point of order that **SS** for **HB 219** is out of order in that it goes beyond the scope and purpose of the original bill and contains multiple subjects.

The point of order was referred to the President Pro Tem who took it under advisement, which placed the bill back on the Informal Calendar.

Senator Schatz moved that **HCS No. 2** for **HB 499**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 1** was again taken up.

At the request of Senator Nasheed, **SA 1** was withdrawn.

Senator Schatz offered **SS** for **HCS No. 2** for **HB 499**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR  
HOUSE BILL NO. 499

An Act to repeal sections 136.055, 301.010, 301.067, 302.574, 304.580, 304.585, 304.590, 304.894, 479.500, 643.300, 643.303, 643.305, 643.310, 643.315, 643.320, 643.325, 643.330, 643.335, 643.337, 643.340, 643.345, 643.350, 643.353, and 643.355, RSMo, and to enact in lieu thereof twenty-six new sections relating to transportation, with penalty provisions and an effective date for certain sections.

Senator Schatz moved that **SS** for **HCS No. 2** for **HB 499** be adopted, which motion prevailed.

Senator Schatz moved that **SS** for **HCS No. 2** for **HB 499** be read the 3rd time and passed and was recognized to close.

President Pro Tem Schatz referred **SS** for **HCS No. 2** for **HB 499** to the Committee on Fiscal Oversight.

Senator Brown moved that **HB 831**, with **SS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **HB 831** was again taken up.

At the request of Senator Brown, **SS** for **HB 831** was withdrawn.

Senator Rowden assumed the Chair.

Senator Emery assumed the Chair.

Senator Hough assumed the Chair.

On motion of Senator Brown, **HB 831** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Eigel	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	Onder	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senators

Burlison                  Emery—2

Absent with leave—Senator O’Laughlin—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 182**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 210**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto three new sections relating to state designations.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 2 to House Amendment No. 1 and House Amendment No. 1, as amended.

### HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute for Senate Bill No. 210, Page 1, Line 32, by inserting after the word “**void.**” the following:

**“227.549. The portion of State Highway P from Dove Nest Lane continuing east to State Highway M in St. Charles County shall be designated as “Waylon Jennings Memorial Highway”. Costs for such designation shall be paid by private donations.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO  
HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute for Senate Bill No. 210, Page 1, Line 32, by inserting after the word **“void.”** the following:

**“Section 1. The St. Louis Blues is selected for and shall be known as the official state hockey team of Missouri.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 210, Page 1, Section 10.200, Line 3, by inserting after said section and line the following:

**“185.070. 1. There is hereby established the designation of “Missouri Historical Theater”.**

**2. As used in this section, the following terms mean:**

**(1) “Missouri state council on the arts” or “council”, as established in section 185.010;**

**(2) “Theater”, a 501(c)(3) organization that produces plays, musicals, and other dramatic performances.**

**3. The council shall administer the Missouri historical theater program including, but not limited to, creating application forms, establishing a time line for applications, announcing theaters receiving the designation, creating a process to ensure theaters who receive the designation maintain eligibility, and establishing an application fee to cover the costs of administering the program and providing the certificate in subsection 5.**

**4. The council shall use the following criteria to determine which theaters should receive the state historical theater designation:**

**(1) The theater is a 501(c)(3) not-for-profit organization;**

**(2) The theater produces a minimum of three shows open to the public each year;**

**(3) The extent to which the theater contributes to tourism in Missouri;**

**(4) The extent to which the theater promotes the arts in its community and throughout Missouri;**  
**and**

**(5) The theater has been operational for a minimum of fifty years.**

**5. All theaters selected for the state historical theater designation shall receive a certificate, suitable for framing, from the council.**

**6. Each year, the council shall provide a list of theaters that have the state historical theater designation to the division of tourism.**

**7. With the advice of the Missouri state council on the arts, the director of the department of economic development may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 36**, entitled:

An Act to repeal section 339.190, RSMo, and to enact in lieu thereof two new sections relating to real estate.

With House Amendment Nos. 1 and 2.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 36, Page 2, Section 339.190, Lines 19 to 26, by deleting said lines and inserting in lieu thereof the following:

**“4. A real estate licensee shall not be the subject of any action and no action shall be instituted against a real estate licensee for the accuracy of any information about the size or area, in square footage or otherwise, of a property or of improvements on the property if the real estate licensee obtains the information from a third party and the licensee discloses the source of the information prior to an offer to purchase being transmitted to the seller, unless the real estate licensee knew the information was false at the time the real estate licensee transmitted or published the information or the licensee acted with reckless disregard as to whether such information was true or false.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 36, Page 2, Section 442.135, Line 6, by inserting after all of said section and line the following:

**“535.030. 1. Such summons shall be served as in other civil cases at least four days before the court date in the summons. The summons shall include a court date which shall not be more than twenty-one business days from the date the summons is issued unless at the time of filing the affidavit the plaintiff or plaintiff’s attorney consents in writing to a later date.**

**2. In addition to attempted personal service, the plaintiff may request, and thereupon the clerk of the court shall make an order directing that the officer, or other person empowered to execute the summons, shall also serve the same by securely affixing a copy of such summons and the complaint in a conspicuous place on the dwelling of the premises in question at least ten days before the court date in such summons,**

and by also mailing a copy of the summons and complaint to the defendant at the defendant's last known address by ordinary mail at least ten days before the court date. If the officer, or other person empowered to execute the summons, shall return that the defendant is not found, or that the defendant has absconded or vacated his or her usual place of abode in this state, and if proof be made by affidavit of the posting and of the mailing of a copy of the summons and complaint, the judge shall at the request of the plaintiff proceed to hear the case as if there had been personal service, and judgment shall be rendered and proceedings had as in other cases, except that no money judgment shall be granted the plaintiff where the defendant is in default and service is by the posting and mailing procedure set forth in this section.

3. If the plaintiff does not request service of the original summons by posting and mailing as provided in subsection 2 of this section, and if the officer, or other person empowered to execute the summons, makes return that the defendant is not found, or that the defendant has absconded or vacated the defendant's usual place of abode in this state, the plaintiff may request the issuance of an alias summons and service of the same by posting and mailing in the time and manner provided in subsection 2 of this section. In addition, the plaintiff or an agent of the plaintiff who is at least eighteen years of age may serve the summons by posting and mailing a copy of the summons in the time and manner provided in subsection 2 of this section. Upon proof by affidavit of the posting and of the mailing of a copy of the summons or alias summons and the complaint, the judge shall proceed to hear the case as if there had been personal service, and judgment shall be rendered and proceedings had as in other cases, except that no money judgment shall be granted the plaintiff where the defendant is in default and service is by the posting and mailing procedure provided in subsection 2 of this section.

4. The defendant has [ten] **five** days from the date of the judgment to file a motion to set aside the judgment or to file an application for a trial de novo and unless the judgment is set aside or an application for a trial de novo is filed within [ten] **five** days, the judgment for possession will become final and the defendant will be subject to eviction from the premises without further notice. On the date judgment is rendered if the defendant is in default, the clerk of the court shall mail to the defendant at the defendant's last known address by ordinary mail a notice informing the defendant of the foregoing.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

#### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SB 182**, with **HCS**, as amended: Senators Cierpiot, Cunningham, Hough, Holsman and Curls.

On motion of Senator Rowden, the Senate recessed until 2:30 p.m.

#### **RECESS**

The time of recess having expired, the Senate was called to order by President Kehoe.

Senator Libla requested unanimous consent of the Senate to correct the Committee on Transportation, Infrastructure and Public Safety report on **HB 191** by submitting a corrected report, which request was granted.

Senator Libla, Chairman of the Committee on Transportation, Infrastructure and Public Safety,

submitted the following corrected report:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 191** and **HB 873**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 131**, entitled:

An Act to repeal sections 523.262 and 537.340, RSMo, and to enact in lieu thereof three new sections relating to the distribution of energy.

With House Amendment No. 1.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 131, Page 4, Section 620.3150, Line 1, by deleting the number “**620.3150**.” and inserting in lieu thereof the number “**640.690**.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 182**, as amended. Representatives: Coleman (32), Bondon, Patterson, Washington, Ingle.

### SENATE BILLS FOR PERFECTION

Senator Onder moved that **SB 279**, **SB 139** and **SB 345**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SBs 279**, **139** and **345**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 279, 139 & 345

An Act to repeal sections 188.010, 188.027, and 188.052, RSMo, and to enact in lieu thereof six new sections relating to abortion, with penalty provisions and a contingent effective date for a certain section.

Was taken up.

Senator Onder moved that **SCS** for **SBs 279**, **139** and **345** be adopted.

Senator Onder offered **SS** for **SCS** for **SBs 279**, **139** and **345**, entitled:

#### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 279, 139 & 345

An Act to repeal sections 188.010, 188.015, 188.028, 188.035, 188.043, and 188.052, RSMo, and to

enact in lieu thereof fifteen new sections relating to abortion, with penalty provisions, a contingent effective date for a certain section, and an emergency clause for a certain section.

Senator Onder moved that **SS** for **SCS** for **SBs 279, 139 and 345** be adopted.

Senator Bernskoetter assumed the Chair.

Senator Schupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 279, 139 & 345, Page 9, Section 188.026, Line 7, by inserting after “medical emergency” the following: “**or victim of human trafficking**”; and further amend line 19, by inserting after “medical emergency” the following: “**or victim of human trafficking**”; and

Further amend said bill, page 12, section 188.028, line 7, by inserting after “medical emergency” the following: “**or the woman’s status as a victim of human trafficking**”; and

Further amend said bill, page 21, section 188.056, line 25, by inserting after “medical emergency” the following: “**or victim of human trafficking**”; and

Further amend said bill and section, page 22, line 1, by inserting after “emergency” the following: “**or not a victim of human trafficking**”; and further amend line 3, by inserting after “medical emergency” the following: “**or victim of human trafficking**”; and

Further amend said bill and section, page 23, line 18, by inserting after “medical emergency” the following: “**or the woman’s status as a victim of human trafficking**”; and

Further amend said bill and section, page 24, line 1, by inserting after “medical emergency” the following: “**or the woman’s status as a victim of human trafficking**”; and

Further amend said bill and page, section 188.057, line 27, by inserting after “medical emergency” the following: “**or victim of human trafficking**”; and

Further amend said bill and section, page 25, line 2, by inserting after “medical emergency” the following: “**or not a victim of human trafficking**”; and further amend lines 4-5, by inserting after “medical emergency” the following: “**or victim of human trafficking**”; and

Further amend said bill and section, page 26, line 19, by inserting after “medical emergency” the following: “**or the woman’s status as a victim of human trafficking**”; and

Further amend said bill and section, page 27, line 2, by inserting after “medical emergency” the following: “**or the woman’s status as a victim of human trafficking**”; and

Further amend said bill and page, section 188.058, lines 27-28, by inserting after “medical emergency” the following: “**or victim of human trafficking**”; and

Further amend said bill and section, page 28, line 3, by inserting after “medical emergency” the following: “**or not a victim of human trafficking**”; and further amend line 5, by inserting after “medical emergency” the following: “**or victim of human trafficking**”; and

Further amend said bill and section, page 29, line 19, by inserting after “medical emergency” the following: “**or the woman’s status as a victim of human trafficking**”; and

Further amend said bill and section, page 30, line 2, by inserting after “medical emergency” the following: **“or the woman’s status as a victim of human trafficking”**; and

Further amend said bill, page 31, section 188.375, line 3, by inserting after “medical emergency” the following: **“or the woman’s status as a victim of human trafficking”**; and further amend line 14, by inserting after “medical emergency” the following: **“or the woman’s status as a victim of human trafficking”**; and further amend line 16, by inserting after “medical emergency” the following: **“or the woman’s status as a victim of human trafficking”**; and

Further amend said bill and section, page 32, line 2, by inserting after “medical emergency” the following: **“or the woman’s status as a victim of human trafficking”**.

Senator Schupp moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Arthur, May, Sifton and Williams.

Senator Schupp offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 279, 139 & 345, Page 1, Line 1, by inserting after the word “Page” the following: “3, Section 188.017, Line 25, by inserting after “medical emergency” the following: **“or the woman’s status as a victim of human trafficking”**; and

Further amend said bill and section, page 4, line 8, by inserting after “medical emergency” the following: **“or the woman’s status as a victim of human trafficking”**; and

Further amend said bill, page”.

Senator Schupp moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Arthur, May, Sifton and Williams.

President Kehoe assumed the Chair.

At the request of Senator Onder, **SB 279**, **SB 139** and **SB 345**, with **SCS**, **SS** for **SCS**, **SA 1** and **SA 1** to **SA 1** (pending), was placed on the Informal Calendar.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1**, **HA 2**, **HA 3**, **HA 4**, **HA 5** to **SB 17**, and grants the Senate a conference thereon.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SB 17**, as amended. Representatives: Black (7), Pike, Hovis, Brown (27), Clemens.

Also,



Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1**, **HA 1** to **HA 2**, **HA 2** to **HA 2**, **HA 2** as amended to **SCS** for **SB 83**, and grants the Senate a conference thereon.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **SB 83**, as amended. Representatives: Ross, Rehder, Evans, Mackey, Mitten.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1**, **HA 2**, **HA 1** to **HA 3**, **HA 3** as amended, **HA 4**, **HA 5**, **HA 6** to **SS** for **SCS** for **SB 230**, and grants the Senate a conference thereon.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS** for **SCS** for **SB 230**, as amended. Representatives: Knight, Kolkmeier, Patterson, Mitten, Burnett.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 397**, as amended. Representatives: Coleman (97), Wood, Fitzwater, Unsicker, McCreery.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 54**, entitled:

An Act to repeal sections 374.191, 382.010, and 382.230, RSMo, and to enact in lieu thereof four new sections relating to insurance companies.

With House Amendment No. 1.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 54, Page 9, Section 382.230, Line 78, by inserting after all of said line the following:

**“Section 1. No health carrier, as defined in section 376.1350, can deny a low contrast computed tomographic (CT) for any firefighter who has been referred after a blood test for cancer that has been found to show markers that may indicate cancer.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 202**, entitled:

An Act to amend chapter 256, RSMo, by adding thereto one new section relating to mining royalties

on federal land.

With House Amendment Nos. 1, 2 and 3.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 202, Page 1, In the Title, Lines 2-3, by deleting the words “mining royalties on federal land” and inserting in lieu thereof the words “private entities use of land”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 202, Page 1, Section 256.725, Line 17, by inserting after all of said section and line the following:

“523.262. 1. Except as set forth in subsection 2 of this section, the power of eminent domain shall only be vested in governmental bodies or agencies whose governing body is elected or whose governing body is appointed by elected officials or in an urban redevelopment corporation operating pursuant to a redevelopment agreement with the municipality for a particular redevelopment area, which agreement was executed prior to or on December 31, 2006.

2. A private utility company, public utility, rural electric cooperative, municipally owned utility, pipeline, railroad or common carrier shall have the power of eminent domain as may be granted pursuant to the provisions of other sections of the revised statutes of Missouri. For the purposes of this section, the term “common carrier” shall not include motor carriers, contract carriers, or express companies. Where a condemnation by such an entity results in a displaced person, as defined in section 523.200, the provisions of subsections 3 and 6 to 10 of section 523.205 shall apply unless the condemning entity is subject to the relocation assistance provisions of the federal Uniform Relocation Assistance Act.

3. Any entity with the power of eminent domain and pursuing the acquisition of property for the purpose of constructing a power generation facility after December 31, 2006, after providing notice in a newspaper of general circulation in the county where the facility is to be constructed, shall conduct a public meeting disclosing the purpose of the proposed facility prior to making any offer to purchase property in pursuit thereof or, alternatively, shall provide the property owner with notification of the identity of the condemning authority and the proposed purpose for which the condemned property shall be used at the time of making the initial offer.

**4. (1) Private entities shall not have the power of eminent domain under the provisions of this section for the purposes of constructing above-ground merchant lines.**

**(2) For the purpose of this subsection, the following terms mean:**

**(a) “Merchant line”, a high-voltage direct current electric transmission line which does not provide for the erection of electric substations at intervals of less than fifty miles, which substations are necessary to accommodate both the purchase and sale to persons located in this state of electricity generated or transmitted by the private entity; and**

**(b) “Private entity”, a utility company that does not provide service to end-use customers, provide retail service in Missouri, or collect its costs to provide service under a regional transmission organization tariff, regardless of whether it has received a certificate of convenience and necessity**

**from the public service commission under section 393.170.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 3**

Amend House Committee Substitute for Senate Bill No. 202, Page 1, Section 256.725, Lines 8-17, by deleting said lines and inserting in lieu thereof the following:

**“(1) Fifty percent to the public schools of the county, of which:**

**(a) Fifty percent shall be divided proportionally between the school districts that lie or are situated partly or wholly within federal land, based on the acres of federal land within each district’s boundaries; and**

**(b) Fifty percent shall be distributed to all school districts in the county on an average daily attendance basis; and**

**(2) Fifty percent, to be allocated at the discretion of the county commission, to:**

**(a) The maintenance of roads and bridges in the county; and**

**(b) The county’s public safety budget, including the following areas:**

**a. Sheriff’s department;**

**b. Jail and care of prisoners;**

**c. The office of prosecuting attorney;**

**d. Juvenile officer; and**

**e. Coroner.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 420**, entitled:

An Act to repeal sections 334.037, 334.104, 334.735, and 335.175, RSMo, and to enact in lieu thereof four new sections relating to certain collaborative practice arrangements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1158**, entitled:

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to assistance for applicants for permits issued by the department of natural resources.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House conferees are allowed to exceed the differences in Section 4.430 on **SCS** for **HCS** for **HB 4**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 147**, entitled:

An Act to repeal sections 301.010, 301.030, and 302.020, RSMo, and to enact in lieu thereof four new sections relating to motor vehicles, with penalty provisions.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, House Amendment No. 1 to House Amendment No. 11, House Amendment No. 11, as amended, House Amendment No. 1 to House Amendment No. 12, and House Amendment No. 12, as amended.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“300.155. Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

##### (1) Green indication

(a) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited;

(b) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection;

(c) Unless otherwise directed by a pedestrian control signal as provided in section 300.160, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

##### (2) Steady yellow indication

(a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection;

(b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal

as provided in section 300.160, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) Steady red indication

(a) Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown except as provided in paragraph (b) of this subdivision;

(b) The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red signal, may cautiously enter the intersection to make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that the state highways and transportation commission with reference to an intersection involving a state highway, and local authorities with reference to an intersection involving other highways under their jurisdiction, may prohibit any such right turn against a red signal at any intersection where safety conditions so require, said prohibition shall be effective when a sign is erected at such intersection giving notice thereof;

**(c) The driver of a vehicle which is in the left-most lane on a one-way street and stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red signal, may cautiously enter the intersection to make a left turn onto a one-way street but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that the state highways and transportation commission with reference to an intersection involving a state highway, and local authorities with reference to an intersection involving other highways under their jurisdiction, may prohibit any such left turn against a red signal at any intersection where safety conditions so require and such prohibition shall be effective when a sign is erected at such intersection giving notice thereof;**

(d) Unless otherwise directed by a pedestrian control signal as provided in section 300.160, pedestrians facing a steady red signal alone shall not enter the roadway.

(4) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.”; and

Further amend said bill, Page 12, Section 302.026, Line 10, by inserting after all of said section and line the following:

“304.281. 1. Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication

(a) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or

an adjacent crosswalk at the time such signal is exhibited;

(b) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection;

(c) Unless otherwise directed by a pedestrian control signal, as provided in section 304.291, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow indication

(a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection;

(b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in section 304.291, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) Steady red indication

(a) Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection at a clearly marked stop line but, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in paragraph (b);

(b) The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red signal, may cautiously enter the intersection to make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that the state highways and transportation commission with reference to an intersection involving a state highway, and local authorities with reference to an intersection involving other highways under their jurisdiction, may prohibit any such right turn against a red signal at any intersection where safety conditions so require, said prohibition shall be effective when a sign is erected at such intersection giving notice thereof;

**(c) The driver of a vehicle which is in the left-most lane on a one-way street and stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red signal, may cautiously enter the intersection to make a left turn onto a one-way street but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that the state highways and transportation commission with reference to an intersection involving a state highway, and local authorities with reference to an intersection involving other highways under their jurisdiction, may prohibit any such left turn against a red signal at any intersection where safety conditions so require and such prohibition shall be effective when a sign is erected at such intersection giving notice thereof;**

(d) Unless otherwise directed by a pedestrian control signal as provided in section 304.291, pedestrians facing a steady red signal alone shall not enter the roadway.

(4) In the event an official traffic control signal is erected and maintained at a place other than an

intersection, the provision of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

2. Notwithstanding the provisions of section 304.361, violation of this section is a class C misdemeanor.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“136.055. 1. Any person who is selected or appointed by the state director of revenue as provided in subsection 2 of this section to act as an agent of the department of revenue, whose duties shall be the processing of motor vehicle title and registration transactions and the collection of sales and use taxes when required under sections 144.070 and 144.440, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

(1) For each motor vehicle or trailer registration issued, renewed, or [~~transferred—three~~] **transferred**, **six** dollars [and fifty cents] and [seven] **twelve** dollars for those licenses sold or biennially renewed pursuant to section 301.147;

(2) For each application or transfer of [title—two] **title**, **six** dollars [and fifty cents];

(3) For each instruction permit, nondriver license, chauffeur’s, operator’s, or driver’s license issued for a period of three years or [less—two] **less**, **six** dollars [and fifty cents] and [five] **twelve** dollars for licenses or instruction permits issued or renewed for a period exceeding three years;

(4) For each notice of lien [processed—two] **processed**, **six** dollars [and fifty cents];

(5) [No] Notary fee or [other fee or additional charge shall be paid or collected except for] electronic [telephone] transmission [reception—two] **per processing**, **two** dollars.

2. The director of revenue shall award fee office contracts under this section through a competitive bidding process. The competitive bidding process shall give priority to organizations and entities that are exempt from taxation under Section 501(c)(3), 501(c)(6), or 501(c)(4), except those civic organizations that would be considered action organizations under 26 C.F.R. Section 1.501 (c)(3)-1(c)(3), of the Internal Revenue Code of 1986, as amended, with special consideration given to those organizations and entities that reinvest a minimum of seventy-five percent of the net proceeds to charitable organizations in Missouri, and political subdivisions, including but not limited to, municipalities, counties, and fire protection districts.

**Points shall be allocated based upon the distance of an applicant’s residential address, provided on his or her Missouri income tax form, from the fee license office in which he or she seeks an ownership interest in the following manner:**

(1) **If located less than thirty-five miles from the license office address, then an additional twenty percent of total points available;**

(2) **If located thirty-five miles or more, but less than seventy-five miles from the license office**

**address, then an additional ten percent of total points available; and**

**(3) If located seventy-five miles or more from the license office address, then no additional points shall be awarded.**

The director of the department of revenue may promulgate rules and regulations necessary to carry out the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subsection shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

3. All fees collected by a tax-exempt organization may be retained and used by the organization.

4. All fees charged shall not exceed those in this section. The fees imposed by this section shall be collected by all permanent offices and all full-time or temporary offices maintained by the department of revenue.

5. Any person acting as agent of the department of revenue for the sale and issuance of registrations, licenses, and other documents related to motor vehicles shall have an insurable interest in all license plates, licenses, tabs, forms and other documents held on behalf of the department.

6. The fees authorized by this section shall not be collected by motor vehicle dealers acting as agents of the department of revenue under section 32.095 or those motor vehicle dealers authorized to collect and remit sales tax under subsection 8 of section 144.070.

7. Notwithstanding any other provision of law to the contrary, the state auditor may audit all records maintained and established by the fee office in the same manner as the auditor may audit any agency of the state, and the department shall ensure that this audit requirement is a necessary condition for the award of all fee office contracts. No confidential records shall be divulged in such a way to reveal personally identifiable information.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147, Page 9, Section 301.010, Line 303, by inserting the following after all of said section and line:

“301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing:

(1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010;

(2) The name, the applicant’s identification number and address of the owner of such motor vehicle or



trailer;

(3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or trailer.

2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010 and if such vehicle is [five] **ten** years of age or less **and has less than one hundred fifty thousand miles on the odometer**, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of [five] **ten** years after the receipt of such information. This section shall not apply unless:

- (1) The application for the vehicle's certificate of ownership was submitted after July 1, 1989; and
- (2) The certificate was issued pursuant to a manufacturer's statement of origin.

3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a recreational motor vehicle, motorcycle, motortricycle, autocycle, bus, or any commercial motor vehicle licensed for over twelve thousand pounds and if such motor vehicle is [five] **ten** years of age or less **and has less than one hundred fifty thousand miles on the odometer**, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of [five] **ten** years after the receipt of such information. This subsection shall not apply unless:

- (1) The application for the vehicle's certificate of ownership was submitted after July 1, 1990; and
- (2) The certificate was issued pursuant to a manufacturer's statement of origin.

4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, or prior salvage as referenced in section 301.573, the owner or lienholder shall surrender the certificate of ownership. The owner shall make an application for a new certificate of ownership, pay the required title fee, and obtain the vehicle examination certificate required pursuant to subsection 9 of section 301.190. If an insurance company pays a claim on a salvage vehicle as defined in section 301.010 and the owner retains the vehicle, as prior salvage, the vehicle shall only be required to meet the examination requirements under subsection 10 of section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate of ownership for all major component parts installed on the vehicle and invoices for all essential parts which are not defined as major component parts shall accompany the application for a new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle.

5. Every insurance company that pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 or that pays a claim on a

salvage vehicle as defined in section 301.010 and the owner is retaining the vehicle shall in writing notify the owner of the vehicle, and in a first party claim, the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 4 of this section to obtain a prior salvage motor vehicle certificate of ownership or documents and fees as otherwise required by law to obtain a salvage certificate of ownership, from the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such owner, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss and payment.

6. Anyone who fails to comply with the requirements of this section shall be guilty of a class B misdemeanor.

7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 209.015. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 209.015; except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

8. An applicant for registration may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund as established in sections 194.297 to 194.304. Moneys in the organ donor fund shall be used solely for the purposes established in sections 194.297 to 194.304, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.”; and

Further amend said bill, Page 11, Section 301.030, Line 46, by inserting the following after all of said section and line:

“301.191. 1. When an application is made for an original Missouri certificate of ownership for a previously untitled trailer [sixteen feet or more in length] which is stated to be homemade, the applicant shall present a certificate of inspection as provided in this section. No certificate of ownership shall be issued for such a homemade trailer if no certificate of inspection is presented.

2. As used in this section, “homemade” means made by a person who is not a manufacturer using readily distinguishable manufacturers’ identifying numbers or a statement of origin.

3. Every person constructing a homemade trailer [sixteen feet or more in length] shall obtain an inspection from the sheriff of his or her county of residence or from the Missouri state highway patrol prior to applying for a certificate of ownership. If the person constructing the trailer sells or transfers the trailer prior to applying for a certificate of ownership, the sheriff’s or the Missouri state highway patrol’s certificate of inspection shall be transferred with the trailer.

4. A fee of [ten] **twenty-five** dollars shall be paid for the inspection. If the inspection is completed by the sheriff, the proceeds from the inspections shall be deposited by the sheriff within thirty days into the county law enforcement fund if one exists; otherwise into the county general revenue fund. If the inspection is completed by the Missouri state highway patrol, the applicant shall pay the [ten] **twenty-five** dollar inspection fee to the director of revenue at the time of application for a certificate of ownership for the homemade trailer. The fee shall be deposited in the state treasury to the credit of the state highway fund.

5. The sheriff or Missouri state highway patrol shall inspect the trailer and certify it if the trailer appears to be homemade. The sheriff or Missouri state highway patrol may request the owner to provide any documents or other evidence showing that the trailer was homemade. When a trailer is certified by the sheriff, the sheriff may stamp a permanent identifying number in the tongue of the frame. The certificate of inspection shall be on a form designed and provided by the director of revenue.

6. Upon presentation of the certificate of inspection and all applicable documents and fees including the identification plate fee provided in section 301.380, the director of revenue shall issue a readily distinguishable manufacturers' identifying number plate. The identification number plate shall be affixed to the tongue of the trailer's frame.

7. The sheriff or Missouri state highway patrol may seize any trailer which has been stolen or has identifying numbers obliterated or removed. The sheriff or Missouri state highway patrol may hold the trailer as evidence while an investigation is conducted. The trailer shall be returned if no related criminal charges are filed within thirty days or when the charges are later dropped or dismissed or when the owner is acquitted."'; and

Further amend said bill, Page 12, Section 302.026, Line 10, by inserting after all of said section and line the following:

"307.350. 1. The owner of every motor vehicle as defined in section 301.010 which is required to be registered in this state, except:

(1) Motor vehicles **having less than one hundred fifty thousand miles**, for the [five-year] **ten-year** period following their model year of manufacture, excluding prior salvage vehicles immediately following a rebuilding process and vehicles subject to the provisions of section 307.380;

(2) Those motor vehicles which are engaged in interstate commerce and are proportionately registered in this state with the Missouri highway reciprocity commission, although the owner may request that such vehicle be inspected by an official inspection station, and a peace officer may stop and inspect such vehicles to determine whether the mechanical condition is in compliance with the safety regulations established by the United States Department of Transportation; and

(3) Historic motor vehicles registered pursuant to section 301.131;

(4) Vehicles registered in excess of twenty-four thousand pounds for a period of less than twelve months;

shall submit such vehicles to a biennial inspection of their mechanism and equipment in accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station. The inspection, except the inspection of school buses which shall be made at the time provided in section 307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway

patrol; but the inspection of a vehicle shall not be made more than sixty days prior to the date of application for registration or within sixty days of when a vehicle's registration is transferred; however, if a vehicle was purchased from a motor vehicle dealer and a valid inspection had been made within sixty days of the purchase date, the new owner shall be able to utilize an inspection performed within ninety days prior to the application for registration or transfer. Any vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved pursuant to the safety inspection program established pursuant to sections 307.350 to 307.390 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved pursuant to sections 307.350 to 307.390 in each odd-numbered year. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him.

2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle over the most direct route between the owner's usual place of residence and an inspection station of such owner's choice, notwithstanding the fact that the vehicle does not have a current state registration license. It shall also be lawful to operate such a vehicle from an inspection station to another place where repairs may be made and to return the vehicle to the inspection station notwithstanding the absence of a current state registration license.

3. No person whose motor vehicle was duly inspected and approved as provided in this section shall be required to have the same motor vehicle again inspected and approved for the sole reason that such person wishes to obtain a set of any special personalized license plates available pursuant to section 301.144 or a set of any license plates available pursuant to section 301.142, prior to the expiration date of such motor vehicle's current registration.

4. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.

Section B. Sections 301.020, 301.191, and 307.350 of Section A of this act shall become effective January 1, 2020.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“144.070. 1. At the time the owner of any new or used motor vehicle, trailer, boat, or outboard motor which was acquired in a transaction subject to sales tax under the Missouri sales tax law makes application to the director of revenue for an official certificate of title and the registration of the motor vehicle, trailer, boat, or outboard motor as otherwise provided by law, the owner shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price exclusive of any charge incident to the extension of credit paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its acquisition, the applicant shall pay or cause to be paid to the director of revenue the sales tax provided

by the Missouri sales tax law in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a certificate of title for any new or used motor vehicle, trailer, boat, or outboard motor subject to sales tax as provided in the Missouri sales tax law until the tax levied for the sale of the same under sections 144.010 to 144.510 has been paid as provided in this section or is registered under the provisions of subsection 5 of this section.

2. As used in subsection 1 of this section, the term "purchase price" shall mean the total amount of the contract price agreed upon between the seller and the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, regardless of the medium of payment therefor.

3. In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisalment by the director.

4. The director of the department of revenue shall endorse upon the official certificate of title issued by the director upon such application an entry showing that such sales tax has been paid or that the motor vehicle, trailer, boat, or outboard motor represented by such certificate is exempt from sales tax and state the ground for such exemption.

5. Any person, company, or corporation engaged in the business of renting or leasing motor vehicles, trailers, boats, or outboard motors, which are to be used exclusively for rental or lease purposes, and not for resale, may apply to the director of revenue for authority to operate as a leasing **or rental company and pay an annual fee of two hundred fifty dollars for such authority**. Any company approved by the director of revenue may pay the tax due on any motor vehicle, trailer, boat, or outboard motor as required in section 144.020 at the time of registration thereof or in lieu thereof may pay a sales tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A sales tax shall be charged to and paid by a leasing company which does not exercise the option of paying in accordance with section 144.020, on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in this state. Any motor vehicle, trailer, boat, or outboard motor which is leased as the result of a contract executed in this state shall be presumed to be domiciled in this state.

6. **Every applicant to be a lease or rental company shall furnish with the application a corporate surety bond or irrevocable letter of credit, as defined in section 400.5-102, issued by any state or federal financial institution in the penal sum of one hundred thousand dollars, on a form approved by the department. The bond or irrevocable letter of credit shall be conditioned upon the lease or rental company complying with the provisions of any statutes applicable to lease or rental companies, and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded when such acts constitute grounds for the suspension or revocation of the lease or rental license. The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary; except that, the aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party.**

7. Any corporation may have one or more of its divisions separately apply to the director of revenue for authorization to operate as a leasing company, provided that the corporation:

(1) Has filed a written consent with the director authorizing any of its divisions to apply for such authority;

(2) Is authorized to do business in Missouri;

(3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or outboard motor from one of its divisions to another of its divisions as a sale at retail;

(4) Has registered under the fictitious name provisions of sections 417.200 to 417.230 each of its divisions doing business in Missouri as a leasing company; and

(5) Operates each of its divisions on a basis separate from each of its other divisions. However, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to sections 301.550 to 301.573 the provisions in subdivision (3) of this subsection shall not apply.

[7.] **8.** If the owner of any motor vehicle, trailer, boat, or outboard motor desires to charge and collect sales tax as provided in this section, the owner shall make application to the director of revenue for a permit to operate as a motor vehicle, trailer, boat, or outboard motor leasing company. The director of revenue shall promulgate rules and regulations determining the qualifications of such a company, and the method of collection and reporting of sales tax charged and collected. Such regulations shall apply only to owners of motor vehicles, trailers, boats, or outboard motors, electing to qualify as motor vehicle, trailer, boat, or outboard motor leasing companies under the provisions of subsection 5 of this section, and no motor vehicle renting or leasing, trailer renting or leasing, or boat or outboard motor renting or leasing company can come under sections 144.010, 144.020, 144.070 and 144.440 unless all motor vehicles, trailers, boats, and outboard motors held for renting and leasing are included.

**9. Any person, company, or corporation engaged in the business of renting or leasing three thousand five hundred or more motor vehicles which are to be used exclusively for rental or leasing purposes and not for resale, and that has applied to the director of revenue for authority to operate as a leasing company may also operate as a registered fleet owner as prescribed in section 301.032.**

[8.] **10.** Beginning July 1, 2010, any motor vehicle dealer licensed under section 301.560 engaged in the business of selling motor vehicles or trailers may apply to the director of revenue for authority to collect and remit the sales tax required under this section on all motor vehicles sold by the motor vehicle dealer. A motor vehicle dealer receiving authority to collect and remit the tax is subject to all provisions under sections 144.010 to 144.525. Any motor vehicle dealer authorized to collect and remit sales taxes on motor vehicles under this subsection shall be entitled to deduct and retain an amount equal to two percent of the motor vehicle sales tax pursuant to section 144.140. Any amount of the tax collected under this subsection that is retained by a motor vehicle dealer pursuant to section 144.140 shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers for their role in collecting and remitting sales taxes on motor vehicles. In the event this subsection or any portion thereof is held to violate Article IV, Section 30(b) of the Missouri Constitution, no motor vehicle dealer shall be authorized to collect and remit sales taxes on motor vehicles under this section. No motor vehicle dealer shall seek compensation from the state of Missouri or its agencies if a court of competent jurisdiction declares that the retention of two percent of the motor vehicle sales tax is unconstitutional and orders the return of such revenues.”; and

Further amend said bill, Page 11, Section 301.030, Line 46, by inserting after all of said section and line the following:

“301.032. 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the contrary, the

director of revenue shall establish a system of registration of all fleet vehicles owned or purchased by a fleet owner registered pursuant to this section. The director of revenue shall prescribe the forms for such fleet registration and the forms and procedures for the registration updates prescribed in this section. Any owner of ten or more motor vehicles which must be registered in accordance with this chapter may register as a fleet owner. All registered fleet owners may, at their option, register all motor vehicles included in the fleet on a calendar year or biennial basis pursuant to this section in lieu of the registration periods provided in sections 301.030, 301.035, and 301.147. The director shall issue an identification number to each registered owner of fleet vehicles.

2. All fleet vehicles included in the fleet of a registered fleet owner shall be registered during April of the corresponding year or on a prorated basis as provided in subsection 3 of this section. Fees of all vehicles in the fleet to be registered on a calendar year basis or on a biennial basis shall be payable not later than the last day of April of the corresponding year, with two years' fees due for biennially-registered vehicles. Notwithstanding the provisions of section 307.355, an application for registration of a fleet vehicle must be accompanied by a certificate of inspection and approval issued no more than one hundred twenty days prior to the date of application. The fees for vehicles added to the fleet which must be licensed at the time of registration shall be payable at the time of registration, except that when such vehicle is licensed between July first and September thirtieth the fee shall be three-fourths the annual fee, when licensed between October first and December thirty-first the fee shall be one-half the annual fee and when licensed on or after January first the fee shall be one-fourth the annual fee. When biennial registration is sought for vehicles added to a fleet, an additional year's annual fee will be added to the partial year's prorated fee.

3. At any time during the calendar year in which an owner of a fleet purchases or otherwise acquires a vehicle which is to be added to the fleet or transfers plates to a fleet vehicle, the owner shall present to the director of revenue the identification number as a fleet number and may register the vehicle for the partial year as provided in subsection 2 of this section. The fleet owner shall also be charged a transfer fee of two dollars for each vehicle so transferred pursuant to this subsection.

4. Except as specifically provided in this subsection, all fleet vehicles registered pursuant to this section shall be issued a special license plate which shall have the words "Fleet Vehicle" in place of the words "Show-Me State" in the manner prescribed by the advisory committee established in section 301.129. Alternatively, for a one-time additional five dollar per-vehicle fee beyond the regular registration fee, a fleet owner of at least fifty fleet vehicles may apply for fleet license plates bearing a company name or logo, the size and design thereof subject to approval by the director. All fleet license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Fleet vehicles shall be issued multiyear license plates as provided in this section which shall not require issuance of a renewal tab. Upon payment of appropriate registration fees, the director of revenue shall issue a registration certificate or other suitable evidence of payment of the annual or biennial fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued. [The director of revenue shall promulgate rules and regulations establishing the procedure for application and issuance of fleet vehicle license plates.]

5. Notwithstanding the provisions of sections 307.350 to 307.390 to the contrary, a fleet vehicle registered in Missouri is exempt from the requirements of sections 307.350 to 307.390 if at the time of the annual fleet registration, such fleet vehicle is situated outside the state of Missouri.

**6. Notwithstanding any other provisions of law to the contrary, any person, company, or**

corporation engaged in the business of renting or leasing three thousand five hundred or more motor vehicles which are to be used exclusively for rental or leasing purposes and not for resale, that has applied to the director of revenue for authority to operate as a lease or rental company as prescribed in section 144.070 may operate as a registered fleet owner as prescribed in the provisions of this subsection to subsection 10 of this section.

(1) The director of revenue may issue license plates after presentment of an application, as designed by the director, and payment of an annual fee of three hundred sixty dollars for the first ten plates and thirty-six dollars for each additional plate. The payment and issuance of such plates shall be in lieu of registering each motor vehicle with the director as otherwise provided by law.

(2) Such motor vehicles within the fleet shall not be exempted from the safety inspection and emissions inspection provisions as prescribed in chapters 307 and 643, but notwithstanding the provisions of section 307.355, such inspections shall not be required to be presented to the director of revenue.

7. A recipient of a lease or rental company license issued by the director of revenue as prescribed in section 144.070 operating as a registered fleet owner under this section shall register such fleet with the director of revenue on an annual or biennial basis in lieu of the individual motor vehicle registration periods as prescribed in sections 301.030, 301.035, and 301.147. If an applicant elects a biennial fleet registration, the annual fleet license plate fees prescribed in subdivision (1) of subsection 6 of this section shall be doubled. An agent fee as prescribed in subdivision (1) of subsection 1 of section 136.055 shall apply to the issuance of fleet registrations issued under subsections 6 to 10 of this section, and if a biennial fleet registration is elected, the agent fee shall be collected in an amount equal to the fee for two years.

8. Prior to the issuance of fleet license plates under subsections 6 to 10 of this section, the applicant shall provide proof of insurance as required under section 303.024 or 303.026.

9. The authority of a recipient of a lease or rental company license issued by the director of revenue as prescribed in section 144.070 to operate as a fleet owner as provided in this section shall expire on January 1 of the licensure period.

10. A lease or rental company operating fleet license plates issued under subsections 6 to 10 of this section shall make available, upon request, to the director of revenue and all Missouri law enforcement agencies any corresponding vehicle and registration information that may be requested as prescribed by rule.

11. The director shall make all necessary rules and regulations for the administration of this section and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.



## HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147, Page 12, Section 302.026, Line 10, by inserting after all of said section and line the following:

“302.341. [1.] If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which the resident is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court [will] **may** order the director of revenue to suspend the defendant’s driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court [shall] **may** notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. The filing of financial responsibility with the [bureau of safety responsibility,] department of revenue[,] shall not be required as a condition of reinstatement of a driver’s license suspended solely under the provisions of this section.

[2. The provisions of subsection 1 of this section shall not apply to minor traffic violations as defined in section 479.350.]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

## HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147, Page 12, Section 302.026, Line 4, by deleting the line and inserting in lieu thereof the following:

**“in accordance with chapter 303, is covered by a health insurance policy or other form of insurance which will provide the”**; and

Further amend said bill, page, and section, Lines 6-7, by deleting all of said lines and inserting in lieu thereof the following:

**“or riding on a motorcycle or motortricycle.”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

## HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147, Page 1, Section A, Line 3, by inserting the following after all of said section and line:

“32.056. Except for uses permitted under 18 U.S.C. Section 2721(b)(1), the department of revenue shall not release the home address of or any information that identifies any vehicle owned or leased by any person

who is a county, state or federal parole officer[,] ; a federal pretrial officer[,] ; a peace officer pursuant to section 590.010[,] ; **a person employed by the Missouri department of corrections; any jailer or corrections officer of the state or any political subdivision of the state;** a person vested by Article V, Section 1 of the Missouri Constitution with the judicial power of the state[,] ; a member of the federal judiciary[,] ; or a member of such person's immediate family contained in the department's motor vehicle or driver registration records, based on a specific request for such information from any person. Any such person may notify the department of his or her status and the department shall protect the confidentiality of the home address and vehicle records on such a person and his or her immediate family as required by this section. This section shall not prohibit the department from releasing information on a motor registration list pursuant to section 32.055 or from releasing information on any officer who holds a class A, B or C commercial driver's license pursuant to the Motor Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147, Page 12, Section 302.026, Line 10, by inserting after all of said line the following:

**“304.147. 1. For purposes of this section, the following terms mean:**

**(1) “Driving automation system”, hardware and software that are collectively capable of performing part or all of the dynamic driving task on a sustained basis;**

**(2) “Dynamic driving task”, all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic, excluding the strategic functions such as trip scheduling and selection of destinations and waypoints, and including, but not limited to:**

**(a) Lateral vehicle motion control via steering;**

**(b) Longitudinal vehicle motion control via acceleration and deceleration;**

**(c) Monitoring the driving environment via object and event detection, recognition, classification, and response preparation;**

**(d) Object and event response execution;**

**(e) Maneuver planning; and**

**(f) Enhancing conspicuity via lighting, signaling, and gesturing.**

**2. The general assembly hereby occupies and preempts the entire field of legislation touching in any way the operation of motor vehicles equipped with driving automation systems in the state to the complete exclusion of any order, ordinance, or regulation by any political subdivision of this state. The provisions of this section preempt the authority of any county, city, town, village, municipality, or other subdivision of this state to prohibit, restrict, or regulate the operation of motor vehicles equipped with driving automation systems on the basis of those vehicles being equipped with driving automation systems. The provisions of this section supersede any existing law or ordinance of any county, city, town, village, municipality, or other subdivision of this state that prohibits, restricts, or regulates the testing or operation of motor vehicles equipped with driving automation systems.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147, Page 1, Section 301.010, Lines 7-8, by deleting said lines and inserting in lieu thereof the following:

“in a partially or completely enclosed nonstraddle seating area, that is designed to be controlled with a steering wheel and pedals, and that has met applicable Department of Transportation”; and

Further amend said bill, Page 6, section, Line 181, by inserting after said line the following:

**“(50) “Recreational trailer”, any trailer designed, constructed, or substantially modified so that it may be used and is used for the purpose of temporary housing quarters, including therein sleeping or eating facilities, which can be temporarily attached to a motor vehicle or attached to a unit which is securely attached to a motor vehicle;”**; and

Further amend said section by renumbering accordingly.

Further amend said bill, Page 11, Section 301.030, Line 46, inserting after said section and line the following:

“301.067. 1. For each trailer or semitrailer there shall be paid an annual fee of seven dollars fifty cents, and in addition thereto such permit fee authorized by law against trailers used in combination with tractors operated under the supervision of the highways and transportation commission of the department of transportation. The fees for tractors used in any combination with trailers or semitrailers or both trailers and semitrailers (other than on passenger-carrying trailers or semitrailers) shall be computed on the total gross weight of the vehicles in the combination with load.

2. Any trailer or semitrailer may at the option of the registrant be registered for a period of three years upon payment of a registration fee of twenty-two dollars and fifty cents.

3. Any trailer as defined in section 301.010 or semitrailer may, at the option of the registrant, be registered permanently upon the payment of a registration fee of fifty-two dollars and fifty cents. The permanent plate and registration fee is vehicle specific. The plate and the registration fee paid is nontransferable and nonrefundable, except those covered under the provisions of section 301.442.

**4. Beginning August 28, 2019, the annual registration fees imposed under this section or section 301.030 for recreational trailers, as defined under section 301.010, shall be payable in the month of May each year. Any fee that would have been due in December 2019, shall be deferred until May 2020.”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147, Page 1, Section A, Line 3, by inserting after said section and line the following:

**“32.303. 1. Notwithstanding any biometric data restrictions contained in section 302.170, the department of revenue is hereby authorized to design and implement a secure digital driver’s license program that allows applicants applying for a driver’s license under chapter 302 to obtain a secure digital driver’s license in addition to the physical card-based driver’s license.**

**2. (1) A digital driver’s license issued under this section shall be acceptable for all purposes for which a license, as defined in section 302.010, is used.**

(2) The department may contract with one or more entities to develop the secure digital driver's license system. The department or entity may develop a mobile software application capable of being utilized through a person's electronic device to access an electronic image of the person's secure digital driver's license.

(3) The department shall suspend, disable, or terminate a person's participation in the secure digital driver's license program if:

(a) The person's driving privilege is suspended, revoked, denied, withdrawn, or cancelled as provided in chapter 302; or

(b) The person reports that his or her electronic device has been lost, stolen, or compromised.

3. The department of revenue may promulgate rules necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

4. The provisions of this section shall be subject to appropriation.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 11

Amend House Amendment No. 11 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147, Page 8, Line 5, by inserting after the word “void.” the following:

“304.153. 1. As used in this section, the following terms shall mean:

(1) “Law enforcement officer”, any public servant, other than a patrol officer, who is defined as a law enforcement officer under section 556.061;

(2) “Motor club”, an organization which motor vehicle drivers and owners may join that provide certain benefits relating to driving a motor vehicle;

(3) **“Nonconsensual tow”, the transportation of a motor vehicle by tow truck if such transportation is performed without the prior consent or authorization of the owner or operator of the motor vehicle. For purposes of this section, all law enforcement-ordered tows are considered nonconsensual;**

(4) “Patrol officer”, a Missouri state highway patrol officer;

[(4)] (5) “Tow list”, a list of approved towing companies compiled, maintained, and utilized by the Missouri state highway patrol or its designee;

[(5)] (6) “Tow management company”, any sole proprietorship, partnership, corporation, fiduciary, association, or other business entity that manages towing logistics for government agencies or motor clubs;

[(6)] (7) “Tow truck”, a rollback or car carrier, wrecker, or tow truck as defined under section 301.010;

[(7)] (8) “Towing”, moving or removing, or the preparation therefor, of a vehicle by another vehicle for

which a service charge is made, either directly or indirectly, including any dues or other charges of clubs or associations which provide towing services;

[(8)] (9) “Towing company”, any person, partnership, corporation, fiduciary, association, or other entity that operates a wrecker or towing service as defined under section 301.010.

2. In authorizing a towing company to perform services, any patrol officer or law enforcement officer within the officer’s jurisdiction, or Missouri department of transportation employee, may utilize the services of a tow management company or tow list, provided:

(1) The Missouri state highway patrol is under no obligation to include or retain the services of any towing company in any contract or agreement with a tow management company or any tow list established pursuant to this section. A towing company is subject to removal from a tow list at any time;

(2) Notwithstanding any other provision of law or any regulation established pursuant to this section, an owner or operator’s request for a specific towing company shall be honored by the Missouri state highway patrol unless:

(a) The requested towing company cannot or does not respond in a reasonable time, as determined by a law enforcement officer; or

(b) The vehicle to be towed poses an immediate traffic hazard, as determined by a law enforcement officer.

3. A patrol officer shall not use a towing company located outside of Missouri under this section except under the following circumstances:

(1) A state or federal emergency has been declared; or

(2) The driver or owner of the vehicle, or a motor club of which the driver or owner is a member, requests a specific out-of-state towing company.

4. A towing company shall not tow a vehicle to a location outside of Missouri without the consent of the driver or owner of the motor vehicle, or without the consent of a motor club of which the driver or owner of the motor vehicle is a member.

5. Any towing company or tow truck arriving at the scene of an accident that has not been called by a patrol officer, a law enforcement officer, a Missouri department of transportation employee, the driver or owner of the motor vehicle or his or her authorized agent, including a motor club of which the driver or owner is a member, shall be prohibited from towing the vehicle from the scene of the accident, unless the towing company or tow truck operator is rendering emergency aid in the interest of public safety, or is operating during a declared state of emergency under section 44.100.

6. A tow truck operator that stops and tows a vehicle from the scene of an accident in violation of subsection 5 of this section shall be guilty of a class D misdemeanor upon conviction or pleading guilty for the first violation, and such tow truck shall be subject to impounding. The penalty for a second violation shall be a class A misdemeanor, and the penalty for any third or subsequent violation shall be a class D felony. A violation of this section shall not preclude the tow truck operator from being charged with tampering under chapter 569.

7. The provisions of this section shall also apply to motor vehicles towed under section 304.155 or 304.157.

8. The provisions of **subsections 1 to 7 of** this section shall not apply to counties of the third or fourth classification.

**9. (1) The “Towing Task Force” is hereby created. The task force shall make recommendations as provided in this subsection with respect to tows involving vehicles with a gross vehicle weight rating in excess of twenty-six thousand pounds. The task force shall consist of nine members, who shall be appointed as follows:**

**(a) Two members of the senate appointed by the president pro tempore of the senate, with one member appointed from the minority party and one member appointed from the majority party;**

**(b) Two members of the house of representatives appointed by the speaker of the house of representatives, with one member appointed from the minority party and one member appointed from the majority party;**

**(c) One member, or the member’s designee, appointed by the director of the Department Public Safety or their designee;**

**(d) One member, or the members’ designee, appointed by the speaker of the house of representatives to represent the heavy duty towing and recovery industry within the state;**

**(e) One member, or the members’ designee, appointed by the president pro tempore of the senate to represent the heavy duty towing and recovery industry within the state;**

**(f) One member, or the member’s designee, appointed by the speaker of the house of representatives to represent an association of motor carriers within the state; and**

**(g) One member, appointed by president pro tempore of the senate, who is representing an association of owner-operator truck drivers within the state.**

**(2) The task force shall have the following duties and powers:**

**(a) To make comprehensive recommendations on matters related to the investigation of overcharges made by towing companies, including:**

**a. A process for the adjudication of consumer complaints regarding nonconsensual tow charges;**

**b. Factors to consider in determining whether a charge levied by a towing company is just, fair, and reasonable, including charges for the use of unnecessary equipment and labor; and**

**c. A process for the removal of towing companies from rotation lists for violations of the rules; and**

**(b) To make comprehensive recommendations regarding information that should be included on every invoice with respect to a nonconsensual tow.**

**(3) The task force shall make its first comprehensive recommendations in a report to the general assembly no later than January 31, 2020.**

**(4) The members of the towing task force shall elect a chair from among their membership. The chair shall set the times and frequency of the task force’s meetings.**

**(5) The task force established under this subsection shall expire on May 31, 2020.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147, Page 12, Section 302.026, Line 10, by inserting after said section and line the following:

“302.170. 1. As used in this section, the following terms shall mean:

(1) “Biometric data”, shall include, but not be limited to, the following:

(a) Facial feature pattern characteristics;

(b) Voice data used for comparing live speech with a previously created speech model of a person’s voice;

(c) Iris recognition data containing color or texture patterns or codes;

(d) Retinal scans, reading through the pupil to measure blood vessels lining the retina;

(e) Fingerprint, palm prints, hand geometry, measure of any and all characteristics of biometric information, including shape and length of fingertips, or recording ridge pattern or fingertip characteristics;

(f) Eye spacing;

(g) Characteristic gait or walk;

(h) DNA;

(i) Keystroke dynamic, measuring pressure applied to key pads or other digital receiving devices;

(2) “Commercial purposes”, shall not include data used or compiled solely to be used for, or obtained or compiled solely for purposes expressly allowed under Missouri law or the federal Drivers Privacy Protection Act;

(3) “Source documents”, original or certified copies, where applicable, of documents presented by an applicant as required under 6 CFR Part 37 to the department of revenue to apply for a driver’s license or nondriver’s license. Source documents shall also include any documents required for the issuance of driver’s licenses or nondriver’s licenses by the department of revenue under the provisions of this chapter or accompanying regulations.

2. Except as provided in subsection 3 of this section and as required to carry out the provisions of subsection 4 of this section, the department of revenue shall not retain copies, in any format, of source documents presented by individuals applying for or holding driver’s licenses or nondriver’s licenses or use technology to capture digital images of source documents so that the images are capable of being retained in electronic storage in a transferable format. Documents retained as provided or required by subsection 4 of this section shall be stored solely on a system not connected to the internet nor to a wide area network that connects to the internet. Once stored on such system, the documents and data shall be purged from any systems on which they were previously stored so as to make them irretrievable.

3. The provisions of this section shall not apply to:

(1) Original application forms, which may be retained but not scanned except as provided in this section;

(2) Test score documents issued by state highway patrol driver examiners **and Missouri commercial third-party tester examiners**;

(3) Documents demonstrating lawful presence of any applicant who is not a citizen of the United States,

including documents demonstrating duration of the person's lawful presence in the United States;

(4) Any document required to be retained under federal motor carrier regulations in Title 49, Code of Federal Regulations, including but not limited to documents required by federal law for the issuance of a commercial driver's license and a commercial driver instruction permit;

(5) Documents submitted by a commercial driver's license **or commercial driver's instruction permit** applicant who is a Missouri resident and is [active duty military or a veteran, as "veteran" is defined in 38 U.S.C. Section 101] **a qualified current or former military service member**, which allows for waiver of the commercial driver's license knowledge test, skills test, or both; and

(6) Any other document at the request of and for the convenience of the applicant where the applicant requests the department of revenue review alternative documents as proof required for issuance of a driver's license, nondriver's license, or instruction permit.

4. (1) To the extent not prohibited under subsection 13 of this section, the department of revenue shall amend procedures for applying for a driver's license or identification card in order to comply with the goals or standards of the federal REAL ID Act of 2005, any rules or regulations promulgated under the authority granted in such Act, or any requirements adopted by the American Association of Motor Vehicle Administrators for furtherance of the Act, unless such action conflicts with Missouri law.

(2) The department of revenue shall issue driver's licenses or identification cards that are compliant with the federal REAL ID Act of 2005, as amended, to all applicants for driver's licenses or identification cards unless an applicant requests a driver's license or identification card that is not REAL ID compliant. Except as provided in subsection 3 of this section and as required to carry out the provisions of this subsection, the department of revenue shall not retain the source documents of individuals applying for driver's licenses or identification cards not compliant with REAL ID. Upon initial application for a driver's license or identification card, the department shall inform applicants of the option of being issued a REAL ID compliant driver's license or identification card or a driver's license or identification card that is not compliant with REAL ID. The department shall inform all applicants:

(a) With regard to the REAL ID compliant driver's license or identification card:

a. Such card is valid for official state purposes and for official federal purposes as outlined in the federal REAL ID Act of 2005, as amended, such as domestic air travel and seeking access to military bases and most federal facilities;

b. Electronic copies of source documents will be retained by the department and destroyed after the minimum time required for digital retention by the federal REAL ID Act of 2005, as amended;

c. The facial image capture will only be retained by the department if the application is finished and submitted to the department; and

d. Any other information the department deems necessary to inform the applicant about the REAL ID compliant driver's license or identification card under the federal REAL ID Act;

(b) With regard to a driver's license or identification card that is not compliant with the federal REAL ID Act:

a. Such card is valid for official state purposes, but it is not valid for official federal purposes as outlined in the federal REAL ID Act of 2005, as amended, such as domestic air travel and seeking access to military bases and most federal facilities;



b. Source documents will be verified but no copies of such documents will be retained by the department unless permitted under subsection 3 of this section, except as necessary to process a request by a license or card holder or applicant;

c. Any other information the department deems necessary to inform the applicant about the driver's license or identification card.

5. The department of revenue shall not use, collect, obtain, share, or retain biometric data nor shall the department use biometric technology to produce a driver's license or nondriver's license or to uniquely identify licensees or license applicants. This subsection shall not apply to digital images nor licensee signatures required for the issuance of driver's licenses and nondriver's licenses or to biometric data collected from employees of the department of revenue, employees of the office of administration who provide information technology support to the department of revenue, contracted license offices, and contracted manufacturers engaged in the production, processing, or manufacture of driver's licenses or identification cards in positions which require a background check in order to be compliant with the federal REAL ID Act or any rules or regulations promulgated under the authority of such Act. Except as otherwise provided by law, applicants' source documents and Social Security numbers shall not be stored in any database accessible by any other state or the federal government. Such database shall contain only the data fields included on driver's licenses and nondriver identification cards compliant with the federal REAL ID Act, and the driving records of the individuals holding such driver's licenses and nondriver identification cards.

6. Notwithstanding any provision of this chapter that requires an applicant to provide reasonable proof of lawful presence for issuance or renewal of a noncommercial driver's license, noncommercial instruction permit, or a nondriver's license, an applicant shall not have his or her privacy rights violated in order to obtain or renew a Missouri noncommercial driver's license, noncommercial instruction permit, or a nondriver's license.

7. No citizen of this state shall have his or her privacy compromised by the state or agents of the state. The state shall within reason protect the sovereignty of the citizens the state is entrusted to protect. Any data derived from a person's application shall not be sold for commercial purposes to any other organization or any other state without the express permission of the applicant without a court order; except such information may be shared with a law enforcement agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited purposes set out in section 302.600, or for the purposes set forth in section 32.091, or for conducting driver history checks in compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. Section 31309. The state of Missouri shall protect the privacy of its citizens when handling any written, digital, or electronic data, and shall not participate in any standardized identification system using driver's and nondriver's license records except as provided in this section.

8. Other than to process a request by a license or card holder or applicant, no person shall access, distribute, or allow access to or distribution of any written, digital, or electronic data collected or retained under this section without the express permission of the applicant or a court order, except that such information may be shared with a law enforcement agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited purposes set out in section 302.600 or for conducting driver history checks in compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. Section 31309. A first violation of this subsection shall be a class A misdemeanor. A second violation of this subsection shall be a class E felony. A third or subsequent violation of this subsection shall be a class D felony.

9. Any person harmed or damaged by any violation of this section may bring a civil action for damages, including noneconomic and punitive damages, as well as injunctive relief, in the circuit court where that person resided at the time of the violation or in the circuit court of Cole County to recover such damages from the department of revenue and any persons participating in such violation. Sovereign immunity shall not be available as a defense for the department of revenue in such an action. In the event the plaintiff prevails on any count of his or her claim, the plaintiff shall be entitled to recover reasonable attorney fees from the defendants.

10. The department of revenue may promulgate rules necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void.

11. Biometric data, digital images, source documents, and licensee signatures, or any copies of the same, required to be collected or retained to comply with the requirements of the federal REAL ID Act of 2005 shall be digitally retained for no longer than the minimum duration required to maintain compliance, and immediately thereafter shall be securely destroyed so as to make them irretrievable.

12. No agency, department, or official of this state or of any political subdivision thereof shall use, collect, obtain, share, or retain radio frequency identification data from a REAL ID compliant driver's license or identification card issued by a state, nor use the same to uniquely identify any individual.

13. Notwithstanding any provision of law to the contrary, the department of revenue shall not amend procedures for applying for a driver's license or identification card, nor promulgate any rule or regulation, for purposes of complying with modifications made to the federal REAL ID Act of 2005 after August 28, 2017, imposing additional requirements on applications, document retention, or issuance of compliant licenses or cards, including any rules or regulations promulgated under the authority granted under the federal REAL ID Act of 2005, as amended, or any requirements adopted by the American Association of Motor Vehicle Administrators for furtherance thereof.

14. If the federal REAL ID Act of 2005 is modified or repealed such that driver's licenses and identification cards issued by this state that are not compliant with the federal REAL ID Act of 2005 are once again sufficient for federal identification purposes, the department shall not issue a driver's license or identification card that complies with the federal REAL ID Act of 2005 and shall securely destroy, within thirty days, any source documents retained by the department for the purpose of compliance with such Act.

15. The provisions of this section shall expire five years after August 28, 2017.

302.720. 1. Except when operating under an instruction permit as described in this section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. No person may be issued a commercial driver's instruction permit until he or she has passed written tests which

comply with the minimum federal standards. A commercial driver's instruction permit shall be **nonrenewable and** valid for the vehicle being operated for a period of not more than [six months] **one year**, and shall not be issued until the permit holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. [A permit holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year period.] The fee for such permit or renewal shall be [five] **ten** dollars. [In the alternative, a commercial driver's instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's license to operate a commercial motor vehicle if the applicant has completed all other requirements except the driving test. The permit may be renewed for one additional thirty-day period and the fee for the permit and for renewal shall be five dollars.] **The fee for a duplicate commercial driver's instruction permit shall be five dollars.**

2. No person may be issued a commercial driver's license until he has passed written and driving tests for the operation of a commercial motor vehicle which complies with the minimum federal standards established by the Secretary and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements imposed by state law. **Beginning January 1, 2020, all applicants for a commercial driver's license shall complete any entry-level driver training program established and required under 49 CFR 380.609.** All applicants for a commercial driver's license shall have maintained the appropriate class of commercial driver's instruction permit issued by this state or any other state for a minimum of fourteen calendar days prior to the date of taking the skills test. Applicants for a hazardous materials endorsement must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Nothing contained in this subsection shall be construed as prohibiting the director from establishing alternate testing formats for those who are functionally illiterate; provided, however, that any such alternate test must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by the Secretary.

(1) The written and driving tests shall be held at such times and in such places as the superintendent may designate. A twenty-five dollar examination fee shall be paid by the applicant upon completion of any written or driving test, except the examination fee shall be waived for applicants seventy years of age or older renewing a license with a school bus endorsement. The director shall delegate the power to conduct the examinations required under sections 302.700 to 302.780 to any member of the highway patrol or any person employed by the highway patrol qualified to give driving examinations. The written test shall only be administered in the English language. No translators shall be allowed for applicants taking the test.

(2) The director shall adopt and promulgate rules and regulations governing the certification of third-party testers by the department of revenue. Such rules and regulations shall substantially comply with the requirements of 49 CFR 383, Section 383.75. A certification to conduct third-party testing shall be valid for one year, and the department shall charge a fee of one hundred dollars to issue or renew the certification of any third-party tester.

(3) Beginning August 28, 2006, the director shall only issue or renew third-party tester certification to community colleges established under chapter 178 or to private companies who own, lease, or maintain their own fleet and administer in-house testing to their employees, or to school districts and their agents that administer in-house testing to the school district's or agent's employees. Any third-party tester who violates any of the rules and regulations adopted and promulgated pursuant to this section shall be subject to having his certification revoked by the department. The department shall provide written notice and an opportunity for the third-party tester to be heard in substantially the same manner as provided in chapter 536. If any

applicant submits evidence that he has successfully completed a test administered by a third-party tester, the actual driving test for a commercial driver's license may then be waived.

(4) Every applicant for renewal of a commercial driver's license shall provide such certifications and information as required by the Secretary and if such person transports a hazardous material must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Such person shall be required to take the written test for such endorsement. A twenty-five dollar examination fee shall be paid upon completion of such tests.

(5) The director shall have the authority to waive the driving skills test **and written tests** for any qualified **current or former military service member** applicant for a commercial driver's **instruction permit or a commercial driver's** license who is currently licensed at the time of application for a commercial driver's **instruction permit or** license. The director shall impose conditions and limitations **and require certification and evidence** to restrict the applicants from whom the department may accept the alternative requirements for the skills [test] **and written tests** described in federal [regulation] **regulations 49 CFR 383.71 and 49 CFR 383.77**. [An applicant must certify that, during the two-year period immediately preceding application for a commercial driver's license, all of the following apply:

(a) The applicant has not had more than one license;

(b) The applicant has not had any license suspended, revoked, or cancelled;

(c) The applicant has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in this chapter or federal rule 49 CFR 383.51(b);

(d) The applicant has not had more than one conviction for any type of motor vehicle for serious traffic violations;

(e) The applicant has not had any conviction for a violation of state or local law relating to motor vehicle traffic control, but not including any parking violation, arising in connection with any traffic accident, and has no record of an accident in which he or she was at fault;

(f) The applicant has been regularly employed within the last ninety days in a military position requiring operation of a commercial motor vehicle and has operated the vehicle for at least sixty days during the two years immediately preceding application for a commercial driver's license. The vehicle must be representative of the commercial motor vehicle the driver applicant operates or expects to operate;

(g) The applicant, if on active duty, must provide a notarized affidavit signed by a commanding officer as proof of driving experience as indicated in paragraph (f) of this subdivision;

(h) The applicant, if honorably discharged from military service, must provide a form-DD214 or other proof of military occupational specialty;

(i)] The applicant must meet all federal and state qualifications to operate a commercial vehicle[;], and

[ (j)] the applicant will be required to complete all applicable knowledge tests, **except when an applicant provides proof of approved military training for waiving the knowledge and skills tests as specified in subdivision (5) of subsection 2 of this section**.

3. A commercial driver's license or commercial driver's instruction permit may not be issued to a person while the person is disqualified from driving a commercial motor vehicle, when a disqualification is pending in any state or while the person's driver's license is suspended, revoked, or cancelled in any state; nor may

a commercial driver's license be issued unless the person first surrenders in a manner prescribed by the director any commercial driver's license issued by another state, which license shall be returned to the issuing state for cancellation.

4. Beginning July 1, 2005, the director shall not issue an instruction permit under this section unless the director verifies that the applicant is lawfully present in the United States before accepting the application. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant under this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

5. Notwithstanding the provisions of this section or any other law to the contrary, beginning August 28, 2008, the director of the department of revenue shall certify as a third-party tester any municipality that owns, leases, or maintains its own fleet that requires certain employees as a condition of employment to hold a valid commercial driver's license; and that administered in-house testing to such employees prior to August 28, 2006.

302.768. 1. Any applicant for a commercial driver's license or commercial driver's instruction permit shall comply with the Federal Motor Carrier Safety Administration application requirements of 49 CFR Part 383.71 by certifying to one of the following applicable statements relating to federal and state driver qualification rules:

(1) Nonexcepted interstate: certifies the applicant is a driver operating or expecting to operate in interstate or foreign commerce, or is otherwise subject to and meets requirements of 49 CFR Part 391 and is required to obtain a medical examiner's certificate as defined in 49 CFR Part 391.45;

(2) Excepted interstate: certifies the applicant is a driver operating or expecting to operate entirely in interstate commerce that is not subject to Part 391 and is subject to Missouri driver qualifications and not required to obtain a medical examiner's certificate;

(3) Nonexcepted intrastate: certifies the applicant is a driver operating only in intrastate commerce and is subject to Missouri driver qualifications;

(4) Excepted intrastate: certifies the applicant operates or expects to operate only in intrastate commerce, and engaging only in operations excepted from all parts of the Missouri driver qualification requirements.

2. Any applicant who cannot meet certification requirements under one of the categories defined in subsection 1 of this section shall be denied issuance of a commercial driver's license or commercial driver's instruction permit.

3. An applicant certifying to operation in nonexcepted interstate or nonexcepted intrastate commerce shall provide the state with an original or copy of a current medical examiner's certificate or a medical examiner's certificate accompanied by a medical variance or waiver, **until such time as the medical examiner's certificate information is received electronically through the Federal Motor Carrier Safety Administration approved verification system.** The state shall retain the [original or copy of the] documentation of physical qualification for a minimum of three years beyond the date the certificate was issued.

4. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted intrastate commerce shall provide [an] updated medical certificate or variance [documents] **information** to maintain a certified status during the term of the commercial driver's license or commercial driver's instruction

permit in order to retain commercial privileges.

5. The director shall post the medical examiner's certificate of information, medical variance if applicable, the applicant's self-certification and certification status to the Missouri driver record within ten calendar days and such information will become part of the CDLIS driver record.

6. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted intrastate commerce who fail to provide or maintain a current medical examiner's certificate, or if the state has received notice of a medical variance or waiver expiring or being rescinded, the state shall, within ten calendar days, update the driver's medical certification status to "not certified". The state shall notify the driver of the change in certification status and require the driver to annually comply with requirements for a commercial driver's license downgrade within sixty days of the expiration of the applicant certification.

7. The department of revenue may, by rule, establish the cost and criteria for submission of updated medical certification status information as required under this section.

8. Any person who falsifies any information in an application for or update of medical certification status information for a commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the person's commercial driver's license shall be cancelled for a period of one year after the director discovers such falsification.

9. The director may promulgate rules and regulations necessary to administer and enforce this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 12

Amend House Amendment No. 12 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147, Page 1, Line 4, by inserting before the number "307.375" the following:

"302.720. 1. Except when operating under an instruction permit as described in this section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. No person may be issued a commercial driver's instruction permit until he or she has passed written tests which comply with the minimum federal standards. A commercial driver's instruction permit shall be valid for the vehicle being operated for a period of not more than six months, and shall not be issued until the permit holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee for such permit or renewal shall be five dollars. In the alternative, a commercial driver's instruction

permit shall be issued for a thirty-day period to allow the holder of a valid driver's license to operate a commercial motor vehicle if the applicant has completed all other requirements except the driving test. The permit may be renewed for one additional thirty-day period and the fee for the permit and for renewal shall be five dollars.

2. No person may be issued a commercial driver's license until he has passed written and driving tests for the operation of a commercial motor vehicle which complies with the minimum federal standards established by the Secretary and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements imposed by state law. All applicants for a commercial driver's license shall have maintained the appropriate class of commercial driver's instruction permit issued by this state or any other state for a minimum of fourteen calendar days prior to the date of taking the skills test. Applicants for a hazardous materials endorsement must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Nothing contained in this subsection shall be construed as prohibiting the director from establishing alternate testing formats for those who are functionally illiterate; provided, however, that any such alternate test must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by the Secretary.

(1) The written and driving tests shall be held at such times and in such places as the superintendent may designate. A twenty-five dollar examination fee shall be paid by the applicant upon completion of any written or driving test, except the examination fee shall be waived for applicants seventy years of age or older renewing a license with a school bus endorsement. The director shall delegate the power to conduct the examinations required under sections 302.700 to 302.780 to any member of the highway patrol or any person employed by the highway patrol qualified to give driving examinations. The written test shall only be administered in the English language. No translators shall be allowed for applicants taking the test.

(2) The director shall adopt and promulgate rules and regulations governing the certification of third-party testers by the department of revenue. **The director shall not require a minimum number of skills tests greater than ten for any school district operating as a third-party tester.** Such rules and regulations shall substantially comply with the requirements of 49 CFR 383, Section 383.75. A certification to conduct third-party testing shall be valid for one year, and the department shall charge a fee of one hundred dollars to issue or renew the certification of any third-party tester.

(3) Beginning August 28, 2006, the director shall only issue or renew third-party tester certification to community colleges established under chapter 178 or to private companies who own, lease, or maintain their own fleet and administer in-house testing to their employees, or to school districts and their agents that administer in-house testing to the school district's or agent's employees. Any third-party tester who violates any of the rules and regulations adopted and promulgated pursuant to this section shall be subject to having his certification revoked by the department. The department shall provide written notice and an opportunity for the third-party tester to be heard in substantially the same manner as provided in chapter 536. If any applicant submits evidence that he has successfully completed a test administered by a third-party tester, the actual driving test for a commercial driver's license may then be waived.

(4) Every applicant for renewal of a commercial driver's license shall provide such certifications and information as required by the Secretary and if such person transports a hazardous material must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required

by regulations promulgated by the Secretary. Such person shall be required to take the written test for such endorsement. A twenty-five dollar examination fee shall be paid upon completion of such tests.

(5) The director shall have the authority to waive the driving skills test for any qualified military applicant for a commercial driver's license who is currently licensed at the time of application for a commercial driver's license. The director shall impose conditions and limitations to restrict the applicants from whom the department may accept alternative requirements for the skills test described in federal regulation 49 CFR 383.77. An applicant must certify that, during the two-year period immediately preceding application for a commercial driver's license, all of the following apply:

- (a) The applicant has not had more than one license;
- (b) The applicant has not had any license suspended, revoked, or cancelled;
- (c) The applicant has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in this chapter or federal rule 49 CFR 383.51(b);
- (d) The applicant has not had more than one conviction for any type of motor vehicle for serious traffic violations;
- (e) The applicant has not had any conviction for a violation of state or local law relating to motor vehicle traffic control, but not including any parking violation, arising in connection with any traffic accident, and has no record of an accident in which he or she was at fault;
- (f) The applicant has been regularly employed within the last ninety days in a military position requiring operation of a commercial motor vehicle and has operated the vehicle for at least sixty days during the two years immediately preceding application for a commercial driver's license. The vehicle must be representative of the commercial motor vehicle the driver applicant operates or expects to operate;
- (g) The applicant, if on active duty, must provide a notarized affidavit signed by a commanding officer as proof of driving experience as indicated in paragraph (f) of this subdivision;
- (h) The applicant, if honorably discharged from military service, must provide a form-DD214 or other proof of military occupational specialty;
- (i) The applicant must meet all federal and state qualifications to operate a commercial vehicle; and
- (j) The applicant will be required to complete all applicable knowledge tests.

3. A commercial driver's license or commercial driver's instruction permit may not be issued to a person while the person is disqualified from driving a commercial motor vehicle, when a disqualification is pending in any state or while the person's driver's license is suspended, revoked, or cancelled in any state; nor may a commercial driver's license be issued unless the person first surrenders in a manner prescribed by the director any commercial driver's license issued by another state, which license shall be returned to the issuing state for cancellation.

4. Beginning July 1, 2005, the director shall not issue an instruction permit under this section unless the director verifies that the applicant is lawfully present in the United States before accepting the application. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant under this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

5. Notwithstanding the provisions of this section or any other law to the contrary, beginning August 28,



2008, the director of the department of revenue shall certify as a third-party tester any municipality that owns, leases, or maintains its own fleet that requires certain employees as a condition of employment to hold a valid commercial driver's license; and that administered in-house testing to such employees prior to August 28, 2006.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147, Page 12, Section 302.026, Line 10, by inserting after said section and line the following:

“307.375. 1. The owner of every bus used to transport children to or from school in addition to any other inspection required by law shall submit the vehicle to an official inspection station, and obtain a certificate of inspection, sticker, seal or other device annually, but the inspection of the vehicle shall not be made more than sixty days prior to operating the vehicle during the school year. The inspection shall, in addition to the inspection of the mechanism and equipment required for all motor vehicles under the provisions of sections 307.350 to 307.390, include an inspection to ascertain that the following items are correctly fitted, adjusted, and in good working condition:

- (1) All mirrors, including crossview, inside, and outside;
- (2) The front and rear warning flashers;
- (3) The stop signal arm;
- (4) The crossing control arm on public school buses required to have them pursuant to section 304.050;
- (5) The rear bumper to determine that it is flush with the bus so that hitching of rides cannot occur;
- (6) The exhaust tailpipe shall be flush with or may extend not more than two inches beyond the perimeter of the body or bumper;
- (7) The emergency doors and exits to determine them to be unlocked and easily opened as required;
- (8) The lettering and signing on the front, side and rear of the bus;
- (9) The service door;
- (10) The step treads;
- (11) The aisle mats or aisle runners;
- (12) The emergency equipment which shall include as a minimum a first aid kit, flares or fuses, and a fire extinguisher;
- (13) The seats, including a determination that they are securely fastened to the floor;
- (14) The emergency door buzzer;
- (15) All hand hold grips;
- (16) The interior glazing of the bus.

2. In addition to the inspection required by subsection 1 of this section, the Missouri state highway patrol shall conduct an inspection after February first of each school year of all vehicles required to be marked as school buses under section 304.050. This inspection shall be conducted by the Missouri highway

patrol in cooperation with the department of elementary and secondary education and shall include, as a minimum, items in subsection 1 of this section and the following:

- (1) The driver seat belts;
- (2) The heating and defrosting systems;
- (3) The reflectors;
- (4) The bus steps;
- (5) The aisles;
- (6) The frame.

3. If, upon inspection, conditions which violate the standards in subsection 2 of this section are found, the owner or operator shall have them corrected in ten days and notify the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent. If the defects or unsafe conditions found constitute an immediate danger, the bus shall not be used until corrections are made and the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent are notified.

4. The Missouri highway patrol may inspect any school bus at any time and if such inspection reveals a deficiency affecting the safe operation of the bus, the provisions of subsection 3 of this section shall be applicable.

5. Notwithstanding the provisions of section 307.390 to the contrary, a violation of this section shall be a class C misdemeanor.

**6. Notwithstanding any provision of this section or any other law, no school bus shall fail inspection under this chapter due to the placement of a school-related logo, a school-related motto, or a school-related mascot on the exterior of a school bus, unless the presence of such item inhibits the safe operation of the bus.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

#### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **SB 230**, as amended: Senators Crawford, Emery, Luetkemeyer, Rizzo and Williams.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS** for **SB 83**, as amended: Senators Cunningham, Sater, Riddle, Sifton and Schupp.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SB 17**, as amended: Senators Romine, Onder, Libla, Walsh and May.

On motion of Senator Rowden, the Senate recessed until 7:45 p.m.

#### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Brown.

**PRIVILEGED MOTIONS**

Senator Romine moved that **SB 202**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS for SB 202**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 202

An Act to amend chapter 256, RSMo, by adding thereto one new section relating to mining royalties on federal land.

Senator Romine moved that **HCS for SB 202**, as amended, be adopted.

At the request of Senator Romine, the above motion was withdrawn.

Senator Romine moved that the Senate refuse to concur in **HCS for SB 202**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Sater moved that the Senate refuse to concur in **HCS for SCS for SB 147**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

**RESOLUTIONS**

Senator Bernskoetter offered Senate Resolution No. 905, regarding Connie Sandbothe, Vienna, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 906, regarding Tracy Robertson, Jefferson City, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 907, regarding Paige Tayloe, Owensville, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 908, regarding Trey Fisher, Owensville, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 909, regarding Jonah Hoffman, Gerald, which was adopted.

Senator Burlison offered Senate Resolution No. 910, regarding 2019 Nixa Sucker Day Grand Marshal, Chief Jon E. Trent, which was adopted.

Senator Onder offered Senate Resolution No. 911, regarding Sarah Burke, Lake St. Louis, which was adopted.

Senator Onder offered Senate Resolution No. 912, regarding Shannon Wyss, Lake St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 913, regarding Nessa Dorsey, St. Louis, which was adopted.

Senator Romine offered Senate Resolution No. 914, regarding Rebecca Byington, Farmington, which

was adopted.

Senator Romine offered Senate Resolution No. 915, regarding L. Dwight Petete, Potosi, which was adopted.

Senator Brown offered Senate Resolution No. 916, regarding Kassandra Hayes, Rolla, which was adopted.

Senator Brown offered Senate Resolution No. 917, regarding the Seventy-third Wedding Anniversary of Lester and Bette Davis, Rolla, which was adopted.

Senator Libla offered Senate Resolution No. 918, regarding the Missouri National Guard Foundation's Poplar Bluff Villas, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Rowden introduced to the Senate, the Physician of the Day, Dr. Brette Harding, Columbia.

On motion of Senator Rowden, the Senate adjourned under the rules.

### **SENATE CALENDAR**

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SIXTY-FIFTH DAY—THURSDAY, MAY 9, 2019

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### **FORMAL CALENDAR**

#### **HOUSE BILLS ON SECOND READING**

HCS for HB 744  
HB 535-Anderson

HCS for HB 420  
HCS for HB 1158

#### **THIRD READING OF SENATE BILLS**

SCS for SB 465-Burlison (In Fiscal Oversight)

SB 255-Bernskoetter (In Fiscal Oversight)

#### **SENATE BILLS FOR PERFECTION**

1. SB 430-Libla
2. SB 186-Hegeman
3. SB 302-Wallingford
4. SB 347-Burlison
5. SB 439-Brown

6. SB 303-Riddle, with SCS
7. SB 376-Riddle
8. SB 82-Cunningham, with SCS
9. SB 161-Cunningham
10. SB 144-Burlison, with SCS

11. SJR 20-Koenig, with SCS
12. SB 208-Wallingford
13. SB 189-Crawford, with SCS
14. SB 385-Bernskoetter
15. SB 409-Wieland, et al
16. SB 437-Hoskins
17. SB 286-Hough
18. SB 325-Crawford, with SCS
19. SBs 8 & 74-Emery, with SCS
20. SB 386-O'Laughlin, with SCS
21. SB 272-Emery, with SCS
22. SB 265-Luetkemeyer, with SCS
23. SB 135-Sifton, with SCS
24. SB 342-Curls and Nasheed
25. SB 424-Luetkemeyer
26. SB 367-Burlison
27. SB 22-Nasheed, with SCS
28. SJR 25-Libla, with SCS
29. SB 140-Koenig, with SCS
30. SJR 21-May
31. SB 308-Onder

## HOUSE BILLS ON THIRD READING

1. HB 485-Dogan, with SCS (Emery)  
(In Fiscal Oversight)
2. HB 565-Morse, with SCS (Wallingford)
3. HCS for HB 447, with SCS (Riddle)
4. HB 113-Smith, with SCS (Emery)
5. HCS for HB 604, with SCS (Hoskins)
6. HB 214-Trent (Hough)
7. HCS for HB 1088 (Hoskins)
8. HB 355-Plocher, with SCS (Wallingford)
9. HCS for HB 160, with SCS (White)
10. HB 584-Knight, with SCS (Wallingford)
11. HB 599-Bondon, with SCS (Cunningham)
12. HB 1029-Bondon (Brown)
13. HB 257-Stephens (Sater)
14. HB 563-Wiemann (Wallingford)
15. HCS for HB 266, with SCS (Hoskins)
16. HCS for HB 959, with SCS (Cierpiot)
17. HCS for HB 333, with SCS (Crawford)
18. HB 461-Pfautsch (Brown)
19. HCS for HB 824 (Hoskins)
20. HB 587-Rone (Crawford)
21. HCS for HB 346 (Wallingford)
22. HB 1061-Patterson (Hoskins)
23. HB 470-Grier, with SCS (O'Laughlin)
24. HB 186-Trent, with SCS (Burlison)  
(In Fiscal Oversight)
25. HCS for HB 466, with SCS (Riddle)  
(In Fiscal Oversight)
26. HCS for HB 229, with SCS (Wallingford)
27. HB 646-Rowland (Sater) (In Fiscal Oversight)
28. HCS for HBs 161 & 401, with SCS  
(Cunningham)
29. HB 321-Solon (Luetkemeyer)
30. HCS for HB 67, with SCS (Luetkemeyer)  
(In Fiscal Oversight)
31. HB 240-Schroer, with SCS (Luetkemeyer)  
(In Fiscal Oversight)
32. HB 337-Swan (Wallingford)  
(In Fiscal Oversight)
33. HB 267-Baker (Emery)
34. HB 757-Bondon (Wieland)
35. HB 942-Wiemann (Brown)
36. HB 815-Black (137) (Hough)
37. HB 705-Helms, with SCS (Riddle)  
(In Fiscal Oversight)
38. HCS for HB 301, with SCS (Burlison)
39. HB 600-Bondon (Cunningham)  
(In Fiscal Oversight)
40. HB 943-McGirl (Hoskins)  
(In Fiscal Oversight)
41. HB 372-Trent (Wallingford)
42. HCS for HB 438 (Brown)
43. HCS for HB 1127 (Riddle)
44. HCS for HB 400 (White) (In Fiscal Oversight)
45. HB 966-Gregory (Onder)  
(In Fiscal Oversight)
46. HB 1062-Hansen, with SCS (Hoskins)
47. HJR 54-Plocher (Walsh)

48. HB 191 & HB 873-Kolkmeier, with SCS  
(Hoskins)  
49. HCS#2 for HB 626 (Brown)  
50. HCS for HB 207 (White)  
51. HCS for HB 17 (Hegeman)  
52. HCS for HB 18 (Hegeman)  
53. HCS for HB 19 (Hegeman)

54. HB 756-Pfautsch (Schupp)  
55. HB 83-Hill (O'Laughlin)  
56. HB 758-Bondon, with SCS (Bernskoetter)  
57. HCS for HJR 48, 46 & 47  
58. HCS for HB 937, with SCS (Wieland)  
59. HCS for HB 703, with SCS (Luetkemeyer)  
60. HB 761-Pfautsch, with SCS (Cierpiot)

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 4-Sater  
SB 5-Sater, et al, with SCS  
SB 10-Cunningham, with SCS & SA 1  
(pending)  
SB 14-Wallingford  
SB 16-Romine, with SCS, SS for SCS, SA 3  
& point of order (pending)  
SB 19-Libla, with SA 1 (pending)  
SB 31-Wieland  
SB 39-Onder  
SB 44-Hoskins, with SCS & SS#3 for SCS  
(pending)  
SBs 46 & 50-Koenig, with SCS, SS for SCS  
& SA 6 (pending)  
SB 49-Rowden, with SCS  
SB 52-Eigel, with SCS  
SB 56-Cierpiot, with SCS, SS for SCS & SA 1  
(pending)  
SB 57-Cierpiot  
SB 62-Burlison, with SCS  
SB 65-White, with SS (pending)  
SB 69-Hough  
SB 76-Sater, with SCS (pending)  
SB 78-Sater  
SB 97-Hegeman, with SCS  
SB 100-Riddle, with SS (pending)  
SB 118-Cierpiot, with SCS  
SB 132-Emery, with SCS  
SB 141-Koenig  
SB 150-Koenig, with SCS  
SBs 153 & 117-Sifton, with SCS

SB 154-Luetkemeyer, with SS & SA 2 (pending)  
SB 155-Luetkemeyer  
SB 160-Koenig, with SCS, SS for SCS & SA 2  
(pending)  
SB 168-Wallingford, with SCS  
SB 201-Romine  
SB 205-Arthur, with SCS  
SB 211-Wallingford  
SB 222-Hough  
SB 225-Curls  
SB 234-White  
SB 252-Wieland, with SCS  
SB 259-Romine, with SS & SA 3 (pending)  
SB 276-Rowden, with SCS  
SB 278-Wallingford, with SCS  
SBs 279, 139 & 345-Onder, with SCS, SS  
for SCS, SA 1 & SA 1 to SA 1 (pending)  
SB 292-Eigel, with SCS & SS#2 for SCS  
(pending)  
SB 293-Hough, with SCS  
SB 296-Cierpiot, with SCS  
SB 298-White, with SCS  
SB 300-Eigel  
SB 312-Eigel  
SB 316-Burlison  
SB 318-Burlison  
SB 328-Burlison, with SCS  
SB 332-Brown  
SB 336-Schupp  
SB 343-Eigel, with SCS  
SB 344-Eigel, with SCS

SB 349-O'Laughlin, with SCS  
SB 350-O'Laughlin  
SB 354-Cierpiot, with SCS  
SB 412-Holsman  
SB 426-Williams  
SB 431-Schatz, with SCS

SJR 1-Sater and Onder, with SS#2 & SA 1  
(pending)  
SJR 13-Holsman, with SCS, SS for SCS & SA 1  
(pending)  
SJR 18-Cunningham

#### HOUSE BILLS ON THIRD READING

HB 126-Schroer, with SCS (Koenig)  
HCS for HB 169, with SCS (Romine)  
HB 188-Rehder (Luetkemeyer)  
HCS for HB 192, with SCS, SS for SCS &  
SA 5 (pending) (Emery)  
HB 219-Wood, with SS & point of order  
(pending) (Sater)  
SS for SCS for HCS for HB 220 (Emery)  
(In Fiscal Oversight)  
HCS for HB 225, with SCS, SS for SCS &  
SA 1 (pending) (Romine)  
HCS for HBs 243 & 544, with SCS (Arthur)  
HCS for HB 255, with SS & SA 5 (pending)  
(Cierpiot)

HB 332-Lynch, with SCS (Wallingford)  
HCS for HB 399, with SCS & SA 4 (pending)  
(Hoskins)  
HCS for HB 469 (Wallingford)  
SS for HCS#2 for HB 499 (Schatz)  
(In Fiscal Oversight)  
SCS for HCS for HB 547 (Bernskoetter)  
(In Fiscal Oversight)  
HCS for HB 564, with SCS (Koenig)  
HCS for HB 677, with SA 1 (pending)  
(Cierpiot)  
HCS for HB 678, with SCS (Williams)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SB 36-Riddle, with HCS, as amended  
SB 54-Crawford, with HCS, as amended  
SCS for SB 131-Emery, with HCS, as amended

SCS for SB 167-Crawford, with HCS, as amended  
SB 196-Bernskoetter, with HCS, as amended  
SS for SB 210-May, with HCS, as amended

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

SB 17-Romine, with HA 1, HA 2, HA 3, HA 4  
& HA 5  
SB 53-Crawford, with HCS, as amended  
SCS for SB 83-Cunningham, with HA 1 &  
HA 2, as amended  
SB 133-Cunningham, with HCS  
SB 182-Cierpiot, et al, with HCS, as amended

SS for SCS for SB 230-Crawford, with HA 1,  
HA 2, HA 3, as amended, HA 4, HA 5 & HA 6  
SB 368-Hough, with HA 1, HA 2, HA 3, HA 4,  
HA 5, HA 6, HA 7 & HA 8  
HCS for HB 2, with SCS (Hegeman)  
HCS for HB 3, with SCS (Hegeman)  
HCS for HB 4, with SCS (Hegeman)

HCS for HB 5, with SCS (Hegeman)  
 HCS for HB 6, with SCS (Hegeman)  
 HCS for HB 7, with SS for SCS (Hegeman)  
 HCS for HB 8, with SCS (Hegeman)  
 HCS for HB 9, with SCS (Hegeman)  
 HCS for HB 10, with SS for SCS (Hegeman)

HCS for HB 11, with SCS (Hegeman)  
 HCS for HB 12, with SCS (Hegeman)  
 HCS for HB 13, with SCS (Hegeman)  
 HCS for HB 397, with SS for SCS, as amended  
 (Riddle)

#### Requests to Recede or Grant Conference

SCS for SB 147-Sater, with HCS, as amended  
 (Senate requests House recede or grant  
 conference)

SB 202-Romine, with HCS, as amended  
 (Senate requests House recede or grant  
 conference)

#### RESOLUTIONS

SR 20-Holsman

SR 731-Hoskins

#### Reported from Committee

SCR 8-Holsman  
 SCR 15-Burlison  
 SCR 19-Eigel  
 SCR 21-May  
 SCR 22-Holsman  
 SCR 23-Luetkemeyer

SCR 24-Hegeman and Luetkemeyer  
 SCR 26-Bernskoetter  
 HCR 6-Chipman (Brown)  
 HCS for HCR 16 (Hoskins)  
 HCR 18-Spencer (Eigel)  
 HCR 34-Riggs (Curls)

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# Journal of the Senate

## FIRST REGULAR SESSION

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**SIXTY-FIFTH DAY—THURSDAY, MAY 9, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“Two are better than one, because they have a good reward for their toil.” (Ecclesiastes 4:9)

O Lord, in our attempt to get things right we know that having others help us we can see more clearly what is good and what is amidst in what we want to accomplish. Let us always be open to the varied relationships among us and the benefits that such relationships add to our lives and can bring to theirs. May we see the balance and harmony others add in our work and daily living, O God. And may we seek the stability that comes from friendship and partnerships. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Nasheed offered Senate Resolution No. 919, regarding Emily Cochran, Columbia, which was

adopted.

Senator Williams offered Senate Resolution No. 920, regarding Sydney Forrest, Jefferson City, which was adopted.

Senator Wiliams offered Senate Resolution No. 921, regarding Sabrina Nelson, Columbia, which was adopted.

Senator Romine offered Senate Resolution No. 922, regarding Bruce Brewen, Valles Mines, which was adopted.

Senator Wallingford offered Senate Resolution No. 923, regarding Dewey G. Mullens II, Raleigh, Illinois, which was adopted.

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House conferees are allowed to exceed the differences in Section 3.070 on **SCS** for **HCS** for **HB 3**.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR  
State of Missouri  
May 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment:

Rick Holton, Jr., Republican, 12 Upper Ladue Road, Saint Louis, Saint Louis County, Missouri 63124, as a member of the Missouri Development Finance Board, for a term ending September 14, 2022, and until his successor is duly appointed and qualified; vice, Larry D. Neff, term expired.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR  
State of Missouri  
May 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment:

Lowell Mohler, Independent, 4054 Highway 179, Jefferson City, Cole County, Missouri 65109, as a member of the State Fair Commission, for a term ending December 29, 2019, and until his successor is duly appointed and qualified; vice, James L. Mathewson, resigned.

Respectfully submitted,  
Michael L. Parson  
Governor

President Pro Tem Schatz moved that the above appointments be returned to the Governor per his request, which motion prevailed.

## REFERRALS

President Pro Tem Schatz referred **HCS No. 2** for **HB 626**; **HCS** for **HB 207**; **HJR 54**; **HCS** for **HJRs 48, 46 and 47**; and **HB 758**, with **SCS**, to the Committee on Fiscal Oversight.

## PRIVILEGED MOTIONS

Senator Cunningham, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 133** moved that the following conference committee report be taken up, which motion prevailed.

### CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 133

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 133, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 133;
2. That the Senate recede from its position on Senate Bill No. 133;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 133, be Third Read and Finally Passed.

#### FOR THE SENATE:

/s/ Mike Cunningham  
/s/ Mike Bernskoetter  
/s/ Sandy Crawford  
/s/ Gina Walsh  
/s/ Scott Sifton

#### FOR THE HOUSE:

/s/ Dan Shaul  
/s/ Don Rone  
/s/ Hannah S. Kelly  
/s/ Deb Lavender  
/s/ Tracy McCreery

Senator Cunningham moved that the above conference committee report be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Emery	Hegeman	Holsman	Hoskins	Koenig	Libla
Luetkemeyer	May	O’Laughlin	Onder	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	White
Wieland	Williams—30					

#### NAYS—Senators

Eigel                      Nasheed—2

Absent—Senator Hough—1

Absent with leave—Senator Walsh—1

Vacancies—None

On motion of Senator Cunningham, **CCS** for **HCS** for **SB 133**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 133

An Act to repeal sections 89.020, 195.740, 195.743, 195.746, 195.749, 195.752, 195.755, 195.756, 195.758, 195.764, 195.767, 195.770, 264.061, 266.031, 266.165, 266.190, 280.005, 280.010, 280.020, 280.030, 280.035, 280.037, 280.038, 280.040, 280.050, 280.060, 280.070, 280.080, 280.090, 280.095, 280.100, 280.110, 280.120, 280.130, 280.140, 281.035, 281.037, 281.038, 281.050, and 281.260, RSMo, and to enact in lieu thereof twenty-four new sections relating to agriculture, with penalty provisions and an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
White	Wieland	Williams—31				

NAYS—Senators

Eigel                      Nasheed—2

Absent—Senators—None

Absent with leave—Senator Walsh—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	White	Wieland	Williams—32			

NAYS—Senator Eigel—1

Absent—Senators—None

Absent with leave—Senator Walsh—1

Vacancies—None

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### **HOUSE BILLS ON THIRD READING**

Senator Emery moved that **HCS** for **HB 192**, with **SCS**, **SS** for **SCS** and **SA 5** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 5** was again taken up.

At the request of Senator Nasheed, the above amendment was withdrawn.

Senator Luetkemeyer offered **SA 6**:

### **SENATE AMENDMENT NO. 6**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 192, Page 4, Section 386.515, Line 1, by inserting after all of said line the following:

“479.020. 1. Any city, town or village, including those operating under a constitutional or special charter, may, and cities with a population of four hundred thousand or more shall, provide by ordinance or charter for the selection, tenure and compensation of a municipal judge or judges consistent with the provisions of this chapter who shall have original jurisdiction to hear and determine all violations against the ordinances of the municipality. The method of selection of municipal judges shall be provided by charter or ordinance. Each municipal judge shall be selected for a term of not less than two years as provided by charter or ordinance.

2. Except where prohibited by charter or ordinance, the municipal judge may be a part-time judge and may serve as municipal judge in more than one municipality.

3. No person shall serve as a municipal judge of any municipality with a population of seven thousand five hundred or more or of any municipality in a county of the first class with a charter form of government unless the person is licensed to practice law in this state unless, prior to January 2, 1979, such person has served as municipal judge of that same municipality for at least two years.

4. Notwithstanding any other statute, a municipal judge need not be a resident of the municipality or of the circuit in which the municipal judge serves except where ordinance or charter provides otherwise. Municipal judges shall be residents of Missouri.

5. Judges selected under the provisions of this section shall be municipal judges of the circuit court and shall be divisions of the circuit court of the circuit in which the municipality, or major geographical portion thereof, is located. The judges of these municipal divisions shall be subject to the rules of the circuit court which are not inconsistent with the rules of the supreme court. The presiding judge of the circuit shall have general administrative authority over the judges and court personnel of the municipal divisions within the circuit.

6. No municipal judge shall hold any other office in the municipality which the municipal judge serves

as judge. The compensation of any municipal judge and other court personnel shall not be dependent in any way upon the number of cases tried, the number of guilty verdicts reached or the amount of fines imposed or collected.

7. Municipal judges shall be at least twenty-one years of age. No person shall serve as municipal judge after that person has reached that person's seventy-fifth birthday.

8. Within six months after selection for the position, each municipal judge who is not licensed to practice law in this state shall satisfactorily complete the course of instruction for municipal judges prescribed by the supreme court. The state courts administrator shall certify to the supreme court the names of those judges who satisfactorily complete the prescribed course. If a municipal judge fails to complete satisfactorily the prescribed course within six months after the municipal judge's selection as municipal judge, the municipal judge's office shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal judge, nor shall any compensation thereafter be paid to such person for serving as municipal judge.

9. No municipal judge shall serve as a municipal judge in more than five municipalities at one time. **A court that serves more than one municipality shall be treated as a single municipality for the purposes of this subsection.**

479.353. **1.** Notwithstanding any provisions to the contrary, the following conditions shall apply to minor traffic violations and municipal ordinance violations:

(1) The court shall not assess a fine, if combined with the amount of court costs, totaling in excess of:

(a) Two hundred twenty-five dollars for minor traffic violations; and

(b) For municipal ordinance violations committed within a twelve-month period beginning with the first violation: two hundred dollars for the first municipal ordinance violation, two hundred seventy-five dollars for the second municipal ordinance violation, three hundred fifty dollars for the third municipal ordinance violation, and four hundred fifty dollars for the fourth and any subsequent municipal ordinance violations;

(2) The court shall not sentence a person to confinement, except the court may sentence a person to confinement for any violation involving alcohol or controlled substances, violations endangering the health or welfare of others, or eluding or giving false information to a law enforcement officer;

(3) A person shall not be placed in confinement for failure to pay a fine unless such nonpayment violates terms of probation or unless the due process procedures mandated by Missouri supreme court rule 37.65 or its successor rule are strictly followed by the court;

(4) Court costs that apply shall be assessed against the defendant unless the court finds that the defendant is indigent based on standards set forth in determining such by the presiding judge of the circuit. Such standards shall reflect model rules and requirements to be developed by the supreme court; and

(5) No court costs shall be assessed if the defendant is found to be indigent under subdivision (4) of this section or if the case is dismissed.

**2. If an individual has been held in custody on a notice to show cause or an arrest warrant for an underlying minor traffic violation, the court, on its own motion or on the motion of any interested party, may review the original fine and sentence and waive or reduce such fine or sentence if the court finds it reasonable given the circumstances of the case.**

**479.354. For any notice to appear, citation, or summons on a minor traffic violation, the date and time the defendant is to appear in court shall be given when such notice to appear, citation, or summons is first provided to the defendant. If said notice is not properly given, the court shall reissue the notice, citation, or summons to the defendant and shall specifically set forth the date and time for the defendant to appear.”; and**

Further amend the title and enacting clause accordingly.

Senator Luetkemeyer moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 192, Page 1, Section A, Line 4, by inserting after all of said line the following:

“57.280. 1. Sheriffs shall receive a charge for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars; however, no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be received by the sheriff who is requested to perform the service. Except as otherwise provided by law, all charges made pursuant to this section shall be collected by the court clerk as court costs and are payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of said charge. A sheriff may refuse to perform any service in any action or proceeding, other than when court costs are waived as provided by law, until the charge provided by this section is paid. Failure to receive the charge shall not affect the validity of the service.

2. The sheriff shall receive for receiving and paying moneys on execution or other process, where lands or goods have been levied and advertised and sold, five percent on five hundred dollars and four percent on all sums above five hundred dollars, and half of these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney. The party at whose application any writ, execution, subpoena or other process has issued from the court shall pay the sheriff’s costs for the removal, transportation, storage, safekeeping and support of any property to be seized pursuant to legal process before such seizure. The sheriff shall be allowed for each mile, going and returning from the courthouse of the county in which he resides to the place where the court is held, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The provisions of this subsection shall not apply to garnishment proceeds.

3. The sheriff upon the receipt of the charge herein provided for shall pay into the treasury of the county

any and all charges received pursuant to the provisions of this section. The funds collected pursuant to this section, not to exceed fifty thousand dollars in any calendar year, shall be held in a fund established by the county treasurer, which may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties. Any such funds in excess of fifty thousand dollars in any calendar year shall be placed to the credit of the general revenue fund of the county. Moneys in the fund shall be used only for the procurement of services and equipment to support the operation of the sheriff's office. Moneys in the fund established pursuant to this subsection shall not lapse to the county general revenue fund at the end of any county budget or fiscal year.

4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the sheriff, **or any other person specially appointed to serve in a county that receives funds under section 57.278**, shall receive ten dollars for service of any summons, writ, subpoena, or other order of the court included under subsection 1 of this section, in addition to the charge for such service that each sheriff receives under subsection 1 of this section. The money received by the sheriff, **or any other person specially appointed to serve in a county that receives funds under section 57.278**, under this subsection shall be paid into the county treasury and the county treasurer shall make such money payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation fund created under section 57.278.”; and

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Emery moved that **SS for SCS for HCS for HB 192**, as amended, be adopted, which motion prevailed.

On motion of Senator Emery, **SS for SCS for HCS for HB 192**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Brown	Burlison	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senator Bernskoetter—1

Absent with leave—Senator Walsh—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Emery, title to the bill was agreed to.

Senator Emery moved that the vote by which the bill passed be reconsidered.



Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Hoskins moved that **HCS** for **HB 399**, with **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 4** was again taken up.

At the request of Senator Nasheed, the above amendment was withdrawn.

Senator Hoskins offered **SS** for **SCS** for **HCS** for **HB 399**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 399

An Act to repeal sections 192.007, 208.909, 208.918, 208.924, 208.930, 376.427, 376.690, 376.1040, 376.1042, and 376.1224, RSMo, and to enact in lieu thereof eighteen new sections relating to healthcare, with and emergency clause for a certain section.

Senator Hoskins moved that **SS** for **SCS** for **HCS** for **HB 399** be adopted, which motion prevailed.

Senator Hoskins moved that **SS** for **SCS** for **HCS** for **HB 399** be read the 3rd time and passed and was recognized to close.

President Pro Tem Schatz referred **SS** for **SCS** for **HCS** for **HB 399** to the Committee on Fiscal Oversight.

Senator Bernskoetter assumed the Chair.

On motion of Senator Wallingford, the Senate recessed until 2:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by President Kehoe.

**RESOLUTIONS**

Senator Bernskoetter offered Senate Resolution No. 924, regarding Michele Barbarick, Linn, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 925, regarding Darrell J. Taube, Lohman, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 926, regarding Dennis D. Harden, Jefferson City, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 927, regarding Marvin Heinrich, Jefferson City, which was adopted.

Senator Hough offered Senate Resolution No. 928, regarding the death of Ralph Manley, Mount Vernon, which was adopted.

Senator Onder offered Senate Resolution No. 929, regarding Eagle Scout Robert H. Wallsmith Jr., O'Fallon, which was adopted.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt the Conference Committee Report on **SCS** for **HCS** for **HB 3**, and requests the Senate grant the House further conference on **SCS** for **HCS** for **HB 3**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 174**, entitled:

An Act to repeal sections 135.090, 137.115, 143.121, 143.441, 144.020, and 148.064, RSMo, and to enact in lieu thereof six new sections relating to taxation.

With House Amendment Nos. 1 and 2.

**HOUSE AMENDMENT NO. 1**

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 174, Page 13, Section 143.441, Line 35, by inserting after said section and line the following:

**“143.732. 1. Notwithstanding any provision of law to the contrary, no taxpayer who has an individual tax liability under chapter 143 for the tax year beginning January 1, 2018, and ending December 31, 2018, shall be assessed any penalty before December 31, 2019, for a delayed payment or underpayment on such liability, provided that such taxpayer timely files his or her individual income tax return for such tax year and participates, in good faith, in any payment plan authorized by the department of revenue with respect to such liability. Such taxpayer may nonetheless be assessed interest on such liability under the provisions of section 143.731 and any other relevant provision of law, provided that no interest on such liability shall be assessed before May 15, 2019. If such taxpayer paid interest or penalty on such liability under the provisions of section 143.731 and any other relevant provision of law before May 15, 2019, he or she shall be entitled to a refund of such interest or penalty, which shall be due no later than December 31, 2019.**

**2. The department of revenue is authorized to adopt such rules and regulations as are reasonable and necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with**

the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

**3. Under section 23.253 of the Missouri sunset act:**

**(1) The provisions of the new program authorized under this section shall automatically sunset on December 31, 2019; and**

**(2) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and**

Further amend said bill, Page 17, Section 148.064, Line 64, by inserting after said section and line the following:

“Section B. Because immediate action is necessary to ensure that taxpayers in this state have adequate time to understand and meet their income tax obligations for the 2018 tax year, due to recent changes in the published state employer withholding tax guidance issued in response to the passage of U.S. Pub. L. No. 115-97, section 143.732 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 143.732 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 2**

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 174, Page 14, Section 144.020, Line 34, by deleting the words, “**for other purposes**”; and

Further amend said page and section, Line 36, by inserting after all of said line the following:

**“(c) A telecommunications provider shall notify the director of revenue of its intention to utilize the standards described in paragraph (b) of this subdivision to determine the charges that are subject to sales tax under this subdivision. Such notification shall be in writing and shall meet standardized criteria established by the department regarding the form and format of such notice;**

**(d) The director of revenue may promulgate and enforce reasonable rules and regulations for the administration and enforcement of the provisions of this subdivision. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void;”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 306**.

With House Amendment Nos. 1, 2 and 3.

#### HOUSE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 306, Page 1, In the Title, Line 3, by deleting the phrase “dependents of members of the military” and inserting in lieu thereof the phrase “members of the military families”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 306, Page 4, Section 167.020, Line 101, by inserting after all of said section and line the following:

“173.900. 1. This act shall be known and may be cited as the “Missouri Returning Heroes’ Education Act”.

2. For the purpose of this section, the term “combat veteran” shall mean a person who served in armed combat [in the military after September 11, 2001] , **which shall be shown through military service documentation that reflects service in a combat theater, receipt of combat service medals, or receipt of imminent danger or hostile fire pay or tax benefits**, and to whom the following criteria shall apply:

(1) The veteran [was a Missouri resident when first entering the military] **is eligible to register to vote in Missouri, or is eligible to vote, as determined by the Missouri secretary of state, or is a current Missouri resident**; and

(2) The veteran was discharged from military service under honorable conditions.

3. All public institutions of higher education that receive any state funds appropriated by the general assembly shall limit the amount of tuition such institutions charge to combat veterans to fifty dollars per credit hour, as long as the veteran achieves and maintains a cumulative grade point average of at least two and one-half on a four-point scale, or its equivalent. The tuition limitation shall only be applicable if the combat veteran is enrolled in a program leading to a certificate, or an associate or baccalaureate degree. The period during which a combat veteran is eligible for a tuition limitation under this section shall expire at the end of the ten-year period beginning on the date of such veteran’s last discharge from service.

4. **All public institutions of higher education that receive any state funds appropriated by the general assembly shall limit the amount of tuition such institutions charge to combat veterans to no more than thirty percent of the cost of tuition and fees. The tuition limitation shall only be applicable if the combat veteran is enrolled in a program leading to a graduate degree, including master and doctorate degrees. For the purposes of this section, “graduate degree” shall not be construed to include professional degrees. Professional degrees may include but are not limited to law, medicine, or veterinary degrees. The period during which a combat veteran is eligible for a tuition limitation under this section shall expire at the end of the twenty-year period beginning on the date of such veteran’s last discharge from service.**

[4.] 5. The coordinating board for higher education shall ensure that all applicable institutions of higher education in this state comply with the provisions of this section and may promulgate rules for the efficient implementation of this section.

[5.] 6. If a combat veteran is eligible to receive financial assistance under any other federal or state student aid program, public or private, the full amount of such aid shall be reported to the board by the institution and the veteran. The tuition limitation under this section [shall] **may, at the combat veteran's discretion,** be provided before all other federal and state aid for which the veteran is eligible has been applied. **The public institution of higher education shall provide each combat veteran with written notice of this option and maintain a copy signed by the veteran in their official file.**

[6.] 7. Each institution may report to the board the amount of tuition waived in the previous fiscal year under the provisions of this act. This information may be included in each institution's request for appropriations to the board for the following year. The board may include this information in its appropriations recommendations to the governor and the general assembly. The general assembly may reimburse institutions for the cost of the waiver for the previous year as part of the operating budget. Nothing in this subsection shall be construed to deny a combat veteran a tuition limitation if the general assembly does not appropriate money for reimbursement to an institution.

[7.] 8. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void. “; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

### HOUSE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 306, Page 4, Section 167.020, Line 101, by inserting after said section and line the following:

“173.234. 1. As used in this section, unless the context clearly requires otherwise, the following terms mean:

(1) “Board”, the coordinating board for higher education;

(2) “Books”, any books required for any course for which tuition was paid by a grant awarded under this section;

(3) “Eligible student”, the natural, adopted, or stepchild of a qualifying military member, who is less than twenty-five years of age and who was a dependent of a qualifying military member at the time of death or injury or within five years subsequent to the injury, or the spouse of a qualifying military member which was the spouse of a veteran at the time of death or injury or within five years subsequent to the injury;

(4) “Grant”, the veteran's survivors grant as established in this section;

(5) “Institution of postsecondary education”, any approved Missouri public institution of postsecondary education, as defined in subdivision (3) of subsection 1 of section 173.1102;

(6) “Qualifying military member”, any member of the military of the United States, whether active duty, reserve, or National Guard, who served in the military after September 11, 2001, during time of war and for whom the following criteria apply:

(a) A veteran was a Missouri resident when first entering the military service or at the time of death or injury;

(b) A veteran died or was injured as a result of combat action or a veteran’s death or injury was certified by the Department of Veterans’ Affairs medical authority to be attributable to an illness or accident that occurred while serving in combat, or became eighty percent disabled as a result of injuries or accidents sustained in combat action after September 11, 2001; and

(c) “Combat veteran”, a Missouri resident who is discharged for active duty service having served since September 11, 2001, and received a DD214 in a geographic area entitled to receive combat pay tax exclusion exemption, hazardous duty pay, or imminent danger pay, or hostile fire pay;

(7) “Survivor”, an eligible student of a qualifying military member;

(8) “Tuition”, any tuition or incidental fee, or both, charged by an institution of postsecondary education for attendance at the institution by a student as a resident of this state. The tuition grant shall not exceed the amount of tuition charged a Missouri resident at the University of Missouri-Columbia for attendance.

2. Within the limits of the amounts appropriated therefor, the coordinating board for higher education shall award annually up to twenty-five grants to survivors of qualifying military members to attend institutions of postsecondary education in this state, which shall continue to be awarded annually to eligible recipients as long as the recipient achieves and maintains a cumulative grade point average of at least two and one-half on a four-point scale, or its equivalent. If the waiting list of eligible survivors exceeds fifty, the coordinating board may petition the general assembly to expand the quota. If the quota is not expanded, then the eligibility of survivors on the waiting list shall be extended.

3. A survivor may receive a grant under this section only so long as the survivor is enrolled in a program leading to a certificate, or an associate or baccalaureate degree. In no event shall a survivor receive a grant beyond the completion of the first baccalaureate degree, regardless of age.

4. The coordinating board for higher education shall:

(1) Promulgate all necessary rules and regulations for the implementation of this section; and

(2) Provide the forms and determine the procedures necessary for a survivor to apply for and receive a grant under this section.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

6. In order to be eligible to receive a grant under this section, a survivor shall be certified as eligible by the Missouri veterans’ commission.

7. A survivor who is enrolled or has been accepted for enrollment as an undergraduate postsecondary

student at an approved institution of postsecondary education, and who is selected to receive a grant under this section, shall receive the following:

- (1) An amount not to exceed the actual tuition charged at the approved institution of postsecondary education where the survivor is enrolled or accepted for enrollment;
- (2) An allowance of up to two thousand dollars per semester for room and board; and
- (3) The actual cost of books, up to a maximum of five hundred dollars per semester.

8. A survivor who is a recipient of a grant may transfer from one approved public institution of postsecondary education to another without losing his or her entitlement under this section. The board shall make necessary adjustments in the amount of the grant. If a grant recipient at any time withdraws from the institution of postsecondary education so that under the rules and regulations of that institution he or she is entitled to a refund of any tuition, fees, room and board, books, or other charges, the institution shall pay the portion of the refund to which he or she is entitled attributable to the grant for that semester or similar grading period to the board.

9. If a survivor is granted financial assistance under any other student aid program, public or private, the full amount of such aid shall be reported to the board by the institution and the eligible survivor.

10. Nothing in this section shall be construed as a promise or guarantee that a person will be admitted to an institution of postsecondary education or to a particular institution of postsecondary education, will be allowed to continue to attend an institution of postsecondary education after having been admitted, or will be graduated from an institution of postsecondary education.

11. The benefits conferred by this section shall be available to any academically eligible student of a qualifying military member. Surviving children who are eligible shall be permitted to apply for full benefits conferred by this section until they reach twenty-five years of age.

12. [Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall be reauthorized as of June 13, 2016, and shall expire on August 28, 2020, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after June 13, 2016; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.] **Provisions of section 23.253 shall not apply to this section.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

President Pro Tem Schatz assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Hoskins, Chairman of the Committee on Small Business and Industry, submitted the following report:

Mr. President: Your Committee on Small Business and Industry, to which was referred **HCS** for **HB 844**,

begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Walsh, Chairman of the Committee on Progress and Development, submitted the following report:

Mr. President: Your Committee on Progress and Development, to which was referred **HB 637**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Eigel, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **HB 1237**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Luetkemeyer, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS for HB 700**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS for HBs 746 and 722**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **HCS for HB 547 with SCS; HCS for HB 67, with SCS; HB 186, with SCS; HB 646; HB 600; HB 943; HB 240, with SCS; HB 337; HCS for HB 400; HB 966; HB 705, with SCS; SB 255; and SS for SCS for HCS for HB 220**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Cierpiot, Chairman of the Committee on Economic Development, submitted the following report:

Mr. President: Your Committee on Economic Development, to which was referred **HCS for HB 842**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Kehoe assumed the Chair.

### **PRIVILEGED MOTIONS**

Senator Hough, on behalf of the conference committee appointed to act with a like committee from the House on **SB 368**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

#### **CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 368**

The Conference Committee appointed on Senate Bill No. 368, with House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, and 8, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:



1. That the House recede from its position on Senate Bill No. 368, as amended;
2. That the Senate recede from its position on Senate Bill No. 368;
3. That the attached Conference Committee Substitute for Senate Bill No. 368 be Third Read and Finally Passed.

## FOR THE SENATE:

/s/ Lincoln Hough

/s/ Doug Libla

/s/ Gary Romine

/s/ S. Kiki Curls

/s/ Brian Williams

## FOR THE HOUSE:

/s/ Jeff Shawan

/s/ Becky Ruth

/s/ J. Patterson

/s/ Steve Butz

/s/ Greg Razer

Senator Hough moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Emery	Hegeman	Holsman	Hoskins	Hough	Libla	Luetkemeyer
May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

## NAYS—Senators

Burlison	Eigel	Koenig—3
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Hough, **CCS for SB 368**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 368

An Act to repeal sections 68.040, 144.070, 194.225, 301.032, 301.560, 302.170, 302.171, 302.720, and 302.768, RSMo, and to enact in lieu thereof nine new sections relating to transportation, with existing penalty provisions.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Emery	Hegeman	Holsman	Hoskins	Hough	Libla	Luetkemeyer
May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

## NAYS—Senators

Burlison                      Eigel                      Koenig—3

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hough, title to the bill was agreed to.

Senator Hough moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**HOUSE BILLS ON THIRD READING**

Senator Emery moved that **SS** for **SCS** for **HCS** for **HB 220** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **SCS** for **HCS** for **HB 220**, as amended, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Emery, title to the bill was agreed to.

Senator Emery moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Cierpiot moved that **HCS** for **HB 677**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 1** was again taken up.

At the request of Senator Hough, the above amendment was withdrawn.

Senator Cierpiot offered **SS** for **HCS** for **HB 677**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 677

An Act to repeal section 67.641, RSMo, and to enact in lieu thereof two new sections relating to certain tourism infrastructure facilities.

Senator Cierpiot moved that **SS** for **HCS** for **HB 677** be adopted, which motion prevailed.

On motion of Senator Cierpiot, **SS** for **HCS** for **HB 677** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Cierpiot	Crawford	Cunningham	Curls	Hegeman
Holsman	Hough	Libla	May	Nasheed	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Wallingford	Walsh
White	Wieland	Williams—24				

NAYS—Senators

Brown	Burlison	Eigel	Emery	Hoskins	Koenig	Luetkemeyer
O’Laughlin	Onder	Sifton—10				

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Cierpiot, title to the bill was agreed to.

Senator Cierpiot moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**HB 565**, introduced by Representative Morse (151), with **SCS**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to Stars and Stripes Day.

Was taken up by Senator Wallingford.

**SCS** for **HB 565**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 565

An Act to amend chapter 9, RSMo, by adding thereto two new sections relating to official state designations

Was taken up.

Senator Wallingford moved that **SCS** for **HB 565** be adopted.

Senator Wallingford offered SS for SCS for **HB 565**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 565

An Act to amend chapters 9 and 10, RSMo, by adding thereto three new sections relating to official state designations.

Senator Wallingford moved that SS for SCS for **HB 565** be adopted.

Senator May offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 565, Page 1, Section 9.240, Line 15 of said page, by inserting after all of said line the following:

**“10.105. The pawpaw tree (*asimina triloba*) is designated as the state fruit tree of Missouri.”; and**

Further amend said bill, Page 2, Section 10.190, Line 12 of said page, by inserting after all of said line the following:

**“10.200. The *Cryptobranchus alleganiensis*, also known as the hellbender salamander, snot otter, or lasagna lizard, is selected for and shall be known as the official endangered species for the state of Missouri.”; and**

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted, which motion prevailed.

Senator Eigel offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 565, Page 1, Section 9.090, Line 10, by inserting after all of said line the following:

**“9.117. May twenty-sixth of each year shall be known as “Battle of St. Louis Memorial Day” in the state of Missouri. Citizens of this state are encouraged to participate in appropriate events and activities to commemorate the only battle of the American Revolution fought in what would become the state of Missouri.”; and**

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted, which motion prevailed.

Senator Brown assumed the Chair.

Senator White offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 565, Page 1, Section 9.240, Line 15 of said page, by inserting after all of said line the following:

**“9.290. The month of November shall be designated as “Cardiovascular Disease and Type 2 Diabetes Awareness Month” in Missouri. The citizens of the state of Missouri are encouraged to participate in appropriate activities and events to increase awareness of the link between cardiovascular disease and type 2 diabetes.”; and**

Further amend the title and enacting clause accordingly.

Senator White moved that the above amendment be adopted, which motion prevailed.

Senator Wallingford moved that **SS for SCS for HB 565**, as amended, be adopted, which motion prevailed.

On motion of Senator Wallingford, **SS for SCS for HB 565**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Brown	Cierpiot	Crawford	Cunningham	Curls	Eigel
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

NAYS—Senators

Bernskoetter      Burlison—2

Absent—Senator Sater—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**HCS for HB 447**, with **SCS**, entitled:

An Act to repeal sections 58.095, 58.451, 58.720, 193.145, and 193.265, RSMo, and to enact in lieu thereof seven new sections relating to coroners.

Was taken up by Senator Riddle.

**SCS for HCS for HB 447**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 447

An Act to repeal sections 58.095, 58.451, 58.720, 193.145, and 193.265, RSMo, and to enact in lieu

thereof seven new sections relating to coroners.

Was taken up.

Senator Riddle moved that **SCS** for **HCS** for **HB 447** be adopted.

Senator Holsman offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 447, Page 1, In the Title, Line 3, by striking the word “coroners” and inserting in lieu thereof the following: “the disposition of dead bodies”; and

Further amend said bill, page 18, section 193.265, line 74 by inserting after all of said line the following:

“333.011. 1. As used in this chapter, unless the context requires otherwise, the following terms have the meanings indicated:

(1) “Board”, the state board of embalmers and funeral directors created by this chapter;

(2) “Embalmer”, any individual licensed to engage in the practice of embalming;

(3) “Funeral director”, any individual licensed to engage in the practice of funeral directing;

(4) “Funeral establishment”, a building, place, crematory, or premises devoted to or used in the care and preparation for burial or transportation of the human dead and includes every building, place or premises maintained for that purpose or held out to the public by advertising or otherwise to be used for that purpose;

(5) “Funeral merchandise”, caskets, grave vaults, receptacles, and other personal property incidental to the final disposition of a dead human body, including grave markers, monuments, tombstones, and urns;

(6) **“Outdoor cremation”, the cremation of a dead human body that occurs outdoors in a licensed or permitted outdoor human cremation facility;**

(7) **“Outdoor human cremation facility”, a licensed or permitted location that includes an outdoor funeral pyre with the ability to utilize a heating process to reduce a dead human body to bone fragments through heat and evaporation;**

(8) “Person”, any individual, partnership, corporation, cooperative, association, or other entity;

[(7)] (9) “Practice of embalming”, the work of preserving, disinfecting and preparing by arterial embalming, including the chemical preparation of a dead human body for disposition. Practice of embalming includes all activities leading up to and including arterial and cavity embalming, including but not limited to raising of vessels and suturing of incisions of dead human bodies for funeral services, transportation, burial or cremation, or the holding of oneself out as being engaged in such work;

[(8)] (10) “Practice of funeral directing”, engaging by an individual in the business of preparing, otherwise than by embalming, for the burial, disposal or transportation out of this state of, and the directing and supervising of the burial or disposal of, dead human bodies or engaging in the general control, supervision or management of the operations of a funeral establishment;

[(9)] (11) “Preneed agent”, any person authorized to sell a preneed contract for or on behalf of a seller;

[(10)] (12) “Provider”, the person designated or obligated to provide the final disposition, funeral, or burial services or facilities, or funeral merchandise described in a preneed contract;

~~[(11)]~~ **(13)** “Seller”, the person who executes a preneed contract with a purchaser and who is obligated under such preneed contract to remit payment to the provider.

2. All terms defined in sections 436.400 to 436.520 shall be deemed to have the same meaning when used in this chapter.

**333.072. 1. An outdoor cremation facility shall comply with all local, state, and federal laws to ensure public health and safety.**

**2. Any licensed funeral establishment may include an outdoor cremation facility provided such facility complies with the provisions of this chapter and any regulations related to funeral establishments.**

**3. For each outdoor cremation, the funeral establishment shall apply to the board for a permit to perform an outdoor cremation at an outdoor human cremation facility. The board shall create an application form, which shall include:**

**(1) The name and address of the licensed funeral establishment;**

**(2) The name, license number, and signature of the funeral director that will be conducting the cremation;**

**(3) The name of the deceased;**

**(4) The date of death of the deceased;**

**(5) The name, address, and signature of the person exercising the right of sepulcher over the body of the deceased consenting to the outdoor cremation, or a written and signed authorization for outdoor cremation signed by the deceased prior to death;**

**(6) The address and written consent of the property owner or the person with the right of possession of the property where the outdoor cremation is to be performed;**

**(7) The date range, not to exceed one week, in which the outdoor cremation will take place;**

**(8) Evidence that the intended outdoor human cremation facility has the capacity to complete the cremation of a dead human body;**

**(2) A fee established by the board by rule; and**

**(3) Evidence of compliance with local, state, and federal laws related to public health and safety for the location of the facility.**

**4. The application for a permit shall be completed and filed at least three days prior to the date of the outdoor cremation.**

**5. The funeral establishment shall provide written notice to the applicable local law enforcement agency at least twenty-four hours in advance of any outdoor cremation. Such notice shall include the date, location, and approximate time of the outdoor cremation, the name and contact information of the funeral director performing the outdoor cremation, and a copy of the permit from the board to perform the outdoor cremation. The funeral establishment must maintain a copy of such written notice in its records.**

**6. The board may inspect any location proposed for an outdoor cremation facility to ensure compliance with the provisions of chapters 333 and 436 and their accompanying regulations.**

7. A licensed funeral director, or his or her designee, shall be present to supervise any cremation conducted at an outdoor cremation facility.

8. The board is hereby authorized to promulgate rules and regulations for establishing and regulating outdoor human cremation facilities. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Holsman moved that the above amendment be adopted, which motion prevailed.

Senator Holsman offered SA 2:

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 447, Page 1, In the Title, Line 3 of the title, by striking “coroners” and inserting in lieu thereof the following: “the deceased”; and

Further amend said bill, page 12, section 193.145, line 22 by inserting immediately after “193.265.” an opening bracket “[”]; and further amend line 28, by inserting at the end of said line a closing bracket “]”; and

Further amend said bill and section, page 13, line 48, by inserting immediately after “certification” the following: “**and attestation**”; and further amend line 49, by inserting immediately after “certification” the following: “**and attestation**”; and

Further amend said bill and section, page 14, line 68, by inserting immediately after “information” the following: “**and attestation**”; and further amend line 71, by inserting immediately after “data” the following: “**and attestation**”; and further amend line 73, by inserting immediately after “certification” the following: “**and attestation**”; and

Further amend said bill and section, page 15, line 111, by striking “(1)”; and further amend lines 116-122, by striking all of said lines; and

Further amend said bill, page 17, section 193.265, line 72, by inserting immediately after “records.” the following: “**In the event that it is determined by the state registrar that any required information from any data provider was missing or incomplete on records or documentation that were filed with or submitted to the local registrar and then sent to the state registrar, the state registrar shall return the records or documentation to the local registrar so that the data provider, funeral director, or person in charge of the final disposition, can provide the missing or incomplete information. Nothing in this subsection removes any requirement in any statute or regulation as to when an affidavit or court order is necessary to amend a death certificate that has been issued.**”; and

Further amend said bill, page 18, section 193.265, line 74, by inserting after all of said line the following:

“194.119. 1. As used in this section, the term “right of sepulcher” means the right to choose and control



the burial, cremation, or other final disposition of a dead human body.

2. For purposes of this chapter and chapters 193, 333, and 436, and in all cases relating to the custody, control, and disposition of deceased human remains, including the common law right of sepulcher, where not otherwise defined, the term “next-of-kin” means the following persons in the priority listed if such person is eighteen years of age or older, is mentally competent, and is willing to assume responsibility for the costs of disposition:

(1) An attorney in fact designated in a durable power of attorney wherein the deceased specifically granted the right of sepulcher over his or her body to such attorney in fact;

(2) For a decedent who was on active duty in the United States military at the time of death, the person designated by such decedent in the written instrument known as the United States Department of Defense Form 93, Record of Emergency Data, in accordance with [P.L. 109-163, Section 564,] 10 U.S.C. Section 1482;

(3) The surviving spouse, **unless an action for the dissolution of the marriage has been filed and is pending in a court of competent jurisdiction;**

(4) Any surviving child of the deceased. If a surviving child is less than eighteen years of age and has a legal or natural guardian, such child shall not be disqualified on the basis of the child’s age and such child’s legal or natural guardian, if any, shall be entitled to serve in the place of the child unless such child’s legal or natural guardian was subject to an action in dissolution from the deceased. In such event the person or persons who may serve as next-of-kin shall serve in the order provided in subdivisions (5) to (9) of this subsection;

(5) (a) Any surviving parent of the deceased; or

(b) If the deceased is a minor, a surviving parent who has custody of the minor; or

(c) If the deceased is a minor and the deceased’s parents have joint custody, the parent whose residence is the minor child’s residence for purposes of mailing and education;

(6) Any surviving sibling of the deceased;

(7) The next nearest surviving relative of the deceased by consanguinity or affinity;

(8) Any person or friend who assumes financial responsibility for the disposition of the deceased’s remains if no next-of-kin assumes such responsibility;

(9) The county coroner or medical examiner; provided however that such assumption of responsibility shall not make the coroner, medical examiner, the county, or the state financially responsible for the cost of disposition.

3. The next-of-kin of the deceased shall be entitled to control the final disposition of the remains of any dead human being consistent with all applicable laws, including all applicable health codes. **The next-of-kin may delegate the control of the final disposition of the remains of any dead human being to an agent through either a specific or general grant of power in accordance with section 404.710 if, at the time of delegation, the next-of-kin was eighteen years of age or older and mentally competent and the principal or agent is taking financial responsibility for the disposition.**

4. A funeral director or establishment is entitled to rely on and act according to the lawful instructions of any person claiming to be the next-of-kin of the deceased; provided however, in any civil cause of action

against a funeral director or establishment licensed pursuant to this chapter for actions taken regarding the funeral arrangements for a deceased person in the director's or establishment's care, the relative fault, if any, of such funeral director or establishment may be reduced if such actions are taken in reliance upon a person's claim to be the deceased person's next-of-kin.

5. Any person who desires to exercise the right of sepulcher and who has knowledge of an individual or individuals with a superior right to control disposition shall notify such individual or individuals prior to making final arrangements.

6. If an individual with a superior claim is [personally served with written notice from] **notified in person or by written notice with delivery confirmation to such person's last known address** by a person with an inferior claim that such person desires to exercise the right of sepulcher and the individual so served does not object within forty-eight hours of [receipt] **such notice**, such individual shall be deemed to have waived such right. An individual with a superior right may also waive such right at any time if such waiver is in writing and dated.

7. If there is more than one person in a class who are equal in priority and the funeral director has no knowledge of any objection by other members of such class, the funeral director or establishment shall be entitled to rely on and act according to the instructions of the first such person in the class to make arrangements; provided that such person assumes responsibility for the costs of disposition and no other person in such class provides written notice of his or her objection. If the funeral director has knowledge that there is more than one person in a class who are equal in priority and who do not agree on the disposition, the decision of the majority of the members of such class shall control the disposition.

8. For purposes of conducting a majority vote under subsection 7 of this section, the funeral director shall allow voting by proxy using a written authorization or instrument.”; and

Further amend the title and enacting clause accordingly.

Senator Holsman moved that the above amendment be adopted, which motion prevailed.

#### SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 447, Page 18, Section 193.263, Line 74 by inserting immediately after said line the following:

“210.192. 1. The prosecuting attorney or the circuit attorney shall impanel a child fatality review panel for the county or city not within a county in which he or she serves to investigate the deaths of children under the age of eighteen years, who are eligible to receive a certificate of live birth. The panel shall be formed and shall operate according to the rules, guidelines and protocols provided by the department of social services.

2. The panel shall include, but shall not be limited to, the following:

- (1) The prosecuting or circuit attorney;
- (2) The coroner or medical examiner for the county or city not within a county;
- (3) Law enforcement personnel in the county or city not within a county;
- (4) A representative from the children's division;
- (5) A provider of public health care services;
- (6) A representative of the juvenile court;

(7) A provider of emergency medical services.

3. The prosecuting or circuit attorney shall organize the panel and shall call the first organizational meeting of the panel. The panel shall elect a chairman who shall convene the panel to meet to review all deaths of children under the age of eighteen years, who are eligible to receive a certificate of live birth, which meet guidelines for review as set forth by the department of social services. In addition, the panel may review at its own discretion any child death reported to it by the medical examiner or coroner, even if it does not meet criteria for review as set forth by the department. The panel shall issue a final report, which shall be a public record, of each investigation to the department of social services, state technical assistance team and to the director of the department of health and senior services. The final report shall include a completed summary report form. The form shall be developed by the director of the department of social services in consultation with the director of the department of health and senior services. [The department of health and senior services shall analyze the child fatality review panel reports and periodically prepare epidemiological reports which describe the incidence, causes, location and other factors pertaining to childhood deaths.] The department of health and senior services and department of social services shall make recommendations and develop programs to prevent childhood injuries and deaths.

4. The child fatality review panel shall enjoy such official immunity as exists at common law.

210.194. 1. The director of the department of social services, in consultation with the director of the department of health and senior services, shall promulgate rules, guidelines and protocols for child fatality review panels established pursuant to section 210.192 and for state child fatality review panels.

2. The director shall promulgate guidelines and protocols for coroner and medical examiners to use to help them to identify suspicious deaths of children under the age of eighteen years, who are eligible to receive a certificate of live birth.

3. No rule or portion of a rule promulgated under the authority of sections 210.192 to 210.196 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

4. All meetings conducted[, all reports and records] **and work product, including internal memoranda, summaries or minutes of meetings, and written, audio, or electronic records and communications,** made and maintained pursuant to sections 210.192 to 210.196 by the department of social services and department of health and senior services and its divisions, including the state technical assistance team, or other appropriate persons, officials, or state child fatality review panel and local child fatality review panel shall be confidential [and shall not be open to the general public except for the annual report pursuant to section 210.195], **unless otherwise provided in this subsection, section 210.150, section 210.195, or section 660.520. The state technical assistance team shall make nonidentifiable, aggregate data on child fatalities publicly available. Identifiable data shall be released at the discretion of the director of the department of social services, except for any data that was obtained only from birth or death certificate records provided by the department of health and senior services. In those cases, the release of identifiable data shall be at the discretion of the state registrar.**

210.195. 1. The director of the department of social services shall establish a special team which shall:

(1) Develop and implement protocols for the evaluation and review of child fatalities;

(2) Provide training, expertise and assistance to county child fatality review panels for the review of child fatalities;

(3) When required and unanimously requested by the county fatality review panel, assist in the review and prosecution of specific child fatalities; and

(4) The special team may be known as the department of social services, state technical assistance team.

2. The director of the department of social services shall appoint regional coordinators to serve as resources to child fatality review panels established pursuant to section 210.192.

3. The director of the department of social services shall appoint a state child fatality review panel which shall meet at least biannually to provide oversight and make recommendations to the department of social services, state technical assistance team. The department of social services, state technical assistance team shall gather data from local child fatality review panels to identify systemic problems and shall submit findings and recommendations to the director of the department of social services, the governor, the speaker of the house of representatives, the president pro tempore of the senate, the children's services commission, juvenile officers, and the chairman of the local child fatality review panel, at least once a year, on ways to prevent further child abuse and injury deaths. **The report shall include a summary of compliance with the provisions of sections 210.192 to 210.196 for each county or city not within a county.**"; and

Further amend the title and enacting clause accordingly.

Senator Riddle moved that the above amendment be adopted, which motion prevailed.

Senator Schupp offered **SA 4**:

#### SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 447, Page 12, Section 58.720, Line 102, by inserting after all of said line the following:

"192.067. 1. The department of health and senior services, for purposes of conducting epidemiological studies to be used in promoting and safeguarding the health of the citizens of Missouri under the authority of this chapter is authorized to receive information from patient medical records. The provisions of this section shall also apply to the collection, analysis, and disclosure of nosocomial infection data from patient records collected pursuant to section 192.667 **and to the collection of data under section 192.990.**

2. The department shall maintain the confidentiality of all medical record information abstracted by or reported to the department. Medical information secured pursuant to the provisions of subsection 1 of this section may be released by the department only in a statistical aggregate form that precludes and prevents the identification of patient, physician, or medical facility except that medical information may be shared with other public health authorities and coinvestigators of a health study if they abide by the same confidentiality restrictions required of the department of health and senior services and except as otherwise authorized by the provisions of sections 192.665 to 192.667, **or section 192.990.** The department of health and senior services, public health authorities and coinvestigators shall use the information collected only for the purposes provided for in this section [and], section 192.667, **or section 192.990.**

3. No individual or organization providing information to the department in accordance with this section shall be deemed to be or be held liable, either civilly or criminally, for divulging confidential information unless such individual organization acted in bad faith or with malicious purpose.

4. The department of health and senior services is authorized to reimburse medical care facilities, within the limits of appropriations made for that purpose, for the costs associated with abstracting data for special studies.

5. Any department of health and senior services employee, public health authority or coinvestigator of

a study who knowingly releases information which violates the provisions of this section shall be guilty of a class A misdemeanor and, upon conviction, shall be punished as provided by law.

**192.990. 1. There is hereby established within the department of health and senior services the “Pregnancy-Associated Mortality Review Board” to improve data collection and reporting with respect to maternal deaths. The department may collaborate with localities and with other states to meet the goals of the initiative.**

**2. For purposes of this section, the following terms shall mean:**

**(1) “Department”, the Missouri department of health and senior services;**

**(2) “Maternal death”, the death of a woman while pregnant or during the one-year period following the date of the end of pregnancy, regardless of the cause of death and regardless of whether a delivery, miscarriage, or death occurs inside or outside of a hospital.**

**3. The board shall be composed of no more than eighteen members, with a chair elected from among its membership. The board shall meet at least twice per year and shall approve the strategic priorities, funding allocations, work processes, and products of the board. Members of the board shall be appointed by the director of the department. Members shall serve four-year terms, except that the initial terms shall be staggered so that approximately one-third serve three, four, and five-year terms.**

**4. The board shall have a multidisciplinary and diverse membership that represents a variety of medical and nursing specialties, including, but not limited to, obstetrics and maternal-fetal care, as well as state or local public health officials, epidemiologists, statisticians, community organizations, geographic regions, and other individuals or organizations that are most affected by maternal deaths and lack of access to maternal health care services.**

**5. The duties of the board shall include, but not be limited to:**

**(1) Conducting ongoing comprehensive, multidisciplinary reviews of all maternal deaths;**

**(2) Identifying factors associated with maternal deaths;**

**(3) Reviewing medical records and other relevant data, which shall include, to the extent available:**

**(a) A description of the maternal deaths determined by matching each death record of a maternal death to a birth certificate of an infant or fetal death record, as applicable, and an indication of whether the delivery, miscarriage, or death occurred inside or outside of a hospital;**

**(b) Data collected from medical examiner and coroner reports, as appropriate; and**

**(c) Using other appropriate methods or information to identify maternal deaths, including deaths from pregnancy outcomes not identified under paragraph (a) of this subdivision;**

**(4) Consulting with relevant experts, as needed;**

**(5) Analyzing cases to produce recommendations for reducing maternal mortality;**

**(6) Disseminating recommendations to policy makers, health care providers and facilities, and the general public;**

**(7) Recommending and promoting preventative strategies and making recommendations for systems changes;**

**(8) Protecting the confidentiality of the hospitals and individuals involved in any maternal deaths;**

**(9) Examining racial and social disparities in maternal deaths;**

**(10) Subject to appropriation, providing for voluntary and confidential case reporting of maternal deaths to the appropriate state health agency by family members of the deceased, and other appropriate individuals, for purposes of review by the board;**

**(11) Making publicly available the contact information of the board for use in such reporting;**

**(12) Conducting outreach to local professional organizations, community organizations, and social services agencies regarding the availability of the review board; and**

**(13) Ensuring that data collected under this section is made available, as appropriate and practicable, for research purposes, in a manner that protects individually identifiable or potentially identifiable information and that is consistent with state and federal privacy laws.**

**6. The board may contract with other entities consistent with the duties of the board.**

**7. (1) Before June 30, 2020, and annually thereafter, the board shall submit to the Director of the Centers for Disease Control and Prevention, the director of the department, the governor, and the general assembly a report on maternal mortality in the state based on data collected through ongoing comprehensive, multidisciplinary reviews of all maternal deaths, and any other projects or efforts funded by the board. The data shall be collected using best practices to reliably determine and include all maternal deaths, regardless of the outcome of the pregnancy and shall include data, findings, and recommendations of the committee, and, as applicable, information on the implementation during such year of any recommendations submitted by the board in a previous year.**

**(2) The report shall be made available to the public on the department's website and the director shall disseminate the report to all health care providers and facilities that provide women's health services in the state.**

**8. The director of the department, or his or her designee, shall provide the board with the copy of the death certificate and any linked birth or fetal death certificate for any maternal death occurring within the state.**

**9. Upon request by the department, health care providers, health care facilities, clinics, laboratories, medical examiners, coroners, law enforcement agencies, driver's license bureaus, other state agencies, and facilities licensed by the department shall provide to the department data related to maternal deaths from sources such as medical records, autopsy reports, medical examiner's reports, coroner's reports, law enforcement reports, motor vehicle records, social services records, and other sources as appropriate. Such data requests shall be limited to maternal deaths which have occurred within the previous twenty-four months. No entity shall be held liable for civil damages or be subject to any criminal or disciplinary action when complying in good faith with a request from the department for information under the provisions of this subsection.**

**10. (1) The board shall protect the privacy and confidentiality of all patients, decedents, providers, hospitals, or any other participants involved in any maternal deaths. In no case shall any individually identifiable health information be provided to the public or submitted to an information clearinghouse.**

**(2) Nothing in this subsection shall prohibit the board or department from publishing statistical**

**compilations and research reports that:**

**(a) Are based on confidential information relating to mortality reviews under this section; and**

**(b) Do not contain identifying information or any other information that could be used to ultimately identify the individuals concerned.**

**(3) Information, records, reports, statements, notes, memoranda, or other data collected under this section shall not be admissible as evidence in any action of any kind in any court or before any other tribunal, board, agency, or person. Such information, records, reports, notes, memoranda, data obtained by the department or any other person, statements, notes, memoranda, or other data shall not be exhibited nor their contents disclosed in any way, in whole or in part, by any officer or representative of the department or any other person. No person participating in such review shall disclose, in any manner, the information so obtained except in strict conformity with such review project. Such information shall not be subject to disclosure under chapter 610.**

**(4) All information, records of interviews, written reports, statements, notes, memoranda, or other data obtained by the department, the board, and other persons, agencies, or organizations so authorized by the department under this section shall be confidential.**

**(5) All proceedings and activities of the board, opinions of members of such board formed as a result of such proceedings and activities, and records obtained, created, or maintained under this section, including records of interviews, written reports, statements, notes, memoranda, or other data obtained by the department or any other person, agency, or organization acting jointly or under contract with the department in connection with the requirements of this section, shall be confidential and shall not be subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding; provided, however, that nothing in this section shall be construed to limit or restrict the right to discover or use in any civil or criminal proceeding anything that is available from another source and entirely independent of the board's proceedings.**

**(6) Members of the board shall not be questioned in any civil or criminal proceeding regarding the information presented in or opinions formed as a result of a meeting or communication of the board; provided, however, that nothing in this section shall be construed to prevent a member of the board from testifying to information obtained independently of the board or which is public information.**

**11. The department may use grant program funds to support the efforts of the board and may apply for additional federal government and private foundation grants as needed. The department may also accept private, foundation, city, county, or federal moneys to implement the provisions of this section.”; and**

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator Riddle moved that SCS for HCS for HB 447, as amended, be adopted, which motion prevailed.

Senator Riddle moved that SCS for HCS for HB 447, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Schatz referred SCS for HCS for HB 447, as amended, to the Committee on Fiscal Oversight.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 179**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House message on **HCS** for **SCS** for **SB 174** was incorrect. Please see the attached correct message for **HCS** for **SCS** for **SB 174** as amended.

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 174**, entitled:

An Act to repeal sections 135.090, 137.115, 143.121, 143.441, 144.020, and 148.064, RSMo, and to enact in lieu thereof six new sections relating to taxation.

With House Amendment Nos. 1, 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment Nos. 4, 5 and 7.

**HOUSE AMENDMENT NO. 1**

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 174, Page 13, Section 143.441, Line 35, by inserting after said section and line the following:

**“143.732. 1. Notwithstanding any provision of law to the contrary, no taxpayer who has an individual tax liability under chapter 143 for the tax year beginning January 1, 2018, and ending December 31, 2018, shall be assessed any penalty before December 31, 2019, for a delayed payment or underpayment on such liability, provided that such taxpayer timely files his or her individual income tax return for such tax year and participates, in good faith, in any payment plan authorized by the department of revenue with respect to such liability. Such taxpayer may nonetheless be assessed interest on such liability under the provisions of section 143.731 and any other relevant provision of law, provided that no interest on such liability shall be assessed before May 15, 2019. If such taxpayer paid interest or penalty on such liability under the provisions of section 143.731 and any other relevant provision of law before May 15, 2019, he or she shall be entitled to a refund of such interest or penalty, which shall be due no later than December 31, 2019.**

**2. The department of revenue is authorized to adopt such rules and regulations as are reasonable and necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.**

**3. Under section 23.253 of the Missouri sunset act:**

**(1) The provisions of the new program authorized under this section shall automatically sunset on December 31, 2019; and**



**(2) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and**

Further amend said bill, Page 17, Section 148.064, Line 64, by inserting after said section and line the following:

“Section B. Because immediate action is necessary to ensure that taxpayers in this state have adequate time to understand and meet their income tax obligations for the 2018 tax year, due to recent changes in the published state employer withholding tax guidance issued in response to the passage of U.S. Pub. L. No. 115-97, section 143.732 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 143.732 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 174, Page 14, Section 144.020, Line 34, by deleting the words, **“for other purposes”**; and

Further amend said page and section, Line 36, by inserting after all of said line the following:

**“(c) A telecommunications provider shall notify the director of revenue of its intention to utilize the standards described in paragraph (b) of this subdivision to determine the charges that are subject to sales tax under this subdivision. Such notification shall be in writing and shall meet standardized criteria established by the department regarding the form and format of such notice;**

**(d) The director of revenue may promulgate and enforce reasonable rules and regulations for the administration and enforcement of the provisions of this subdivision. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void;”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 174, Page 1, Line 9, by inserting after all of said line the following:

“Further amend said bill, Page 15, Section 144.020, Line 73, by inserting after all of said line the following;

**“144.088. 1. For purposes of this section, the following terms shall mean:**

**(1) “Sales invoice”, any document, in either paper or electronic format, which lists items to be sold as part of a sales transaction and states the prices of such items; and**

**(2) “Sales receipt”, any document, in either paper or electronic format, which lists items sold as part of a sales transaction and states the prices of such items.**

**2. Any seller who sells more than five hundred thousand dollars worth of goods per year and provides a purchaser with a sales receipt or sales invoice in conjunction with a sale, as defined under section 144.010, shall clearly state on such sales receipt or sales invoice the total rate of all sales tax imposed on the sale referenced by such document. This total rate shall reflect any applicable state or local sales tax authorized under the laws of this state.”; and”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 174, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

**“71.612. Notwithstanding any other provision of law, any political subdivision that imposes a local excise or sales tax enacted after January 1, 2020, under Article IV, Section 30(a) of the Constitution of Missouri shall use no less than ninety percent of such revenue for the construction, reconstruction, maintenance, and repair of roads and streets and for the payment of principal and interest on indebtedness incurred for road and street purposes and shall use no more than ten percent of such revenue for policing, signing, lighting, and cleaning roads and streets.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 174, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

**“67.1360. 1. The governing body of the following cities and counties may impose a tax as provided in this section:**

- (1) A city with a population of more than seven thousand and less than seven thousand five hundred;**
- (2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;**
- (3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;**
- (4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;**
- (5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;**
- (6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;**

(7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;

(8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;

(9) Any county of the second classification without a township form of government and a population of less than thirty thousand;

(10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;

(11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;

(14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;

(15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(16) Any third class city with a population of more than three thousand eight hundred but less than four thousand inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(18) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred inhabitants;

(20) Any county of the third classification without a township form of government with a population

greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants;

(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(25) Any city of the fourth classification with more than two thousand six hundred but less than two thousand seven hundred inhabitants located in any county of the third classification without a township form of government and with more than fifteen thousand three hundred but less than fifteen thousand four hundred inhabitants;

(26) Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

(27) Any city of the fourth classification with more than five thousand four hundred but fewer than five thousand five hundred inhabitants and located in more than one county;

(28) Any city of the fourth classification with more than six thousand three hundred but fewer than six thousand five hundred inhabitants and located in more than one county through the creation of a tourism district which may include, in addition to the geographic area of such city, the area encompassed by the portion of the school district, located within a county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, having an average daily attendance for school year 2005-06 between one thousand eight hundred and one thousand nine hundred;

(29) Any city of the fourth classification with more than seven thousand seven hundred but less than seven thousand eight hundred inhabitants located in a county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants;

(30) Any city of the fourth classification with more than two thousand nine hundred but less than three thousand inhabitants located in a county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants;

(31) Any city of the third classification with more than nine thousand three hundred but less than nine thousand four hundred inhabitants;

(32) Any city of the fourth classification with more than three thousand eight hundred but fewer than

three thousand nine hundred inhabitants and located in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants;

(33) Any city of the fourth classification with more than one thousand eight hundred but fewer than one thousand nine hundred inhabitants and located in any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants;

(34) Any county of the third classification without a township form of government and with more than twelve thousand one hundred but fewer than twelve thousand two hundred inhabitants;

(35) Any city of the fourth classification with more than three thousand eight hundred but fewer than four thousand inhabitants and located in more than one county; provided, however, that motels owned by not-for-profit organizations are exempt; [or]

(36) Any city of the fourth classification with more than five thousand but fewer than five thousand five hundred inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants; **or**

**(37) Any city with more than four thousand but fewer than five thousand five hundred inhabitants and located in any county of the fourth classification with more than thirty thousand but fewer than forty-two thousand inhabitants.**

2. The governing body of any city or county listed in subsection 1 of this section may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns, and campgrounds and any docking facility [which] **that** rents slips to recreational boats [which] **that** are used by transients for sleeping, which shall be at least two percent[,] but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary, or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

**94.842. 1. The governing body of any home rule city with more than one hundred fifty-five thousand but fewer than two hundred thousand inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city, which shall not be more than seven and one-half percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city submits to the voters of the city at a state general, primary or special election, a proposal to authorize the governing body of the city to impose a tax under the provisions of this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law, and the proceeds of such tax shall be used solely for capital investments that can be demonstrated to increase the number of overnight visitors. Such tax shall be stated separately from all other charges and taxes.**

**2. The question shall be submitted in substantially the following form:**

**Shall the (city) levy a tax of percent on each sleeping room occupied and rented by transient**

**guests of hotels and motels located in the city, where the proceeds of which shall be expended for capital investments to increase tourism?**

☐ YES

☐ NO

**If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the governing body for the city shall have no power to impose the tax authorized by this section unless and until the governing body of the city again submits the question to the qualified voters of the city and such question is approved by a majority of the qualified voters voting on the question.**

**3. On and after the effective date of any tax authorized under the provisions of this section, the city which levied the tax may adopt one of the two following provisions for the collection and administration of the tax:**

**(1) The city which levied the tax may adopt rules and regulations for the internal collection of such tax by the city officers usually responsible for collection and administration of city taxes; or**

**(2) The city may enter into an agreement with the director of revenue of the state of Missouri for the purpose of collecting the tax authorized in this section. In the event any city enters into an agreement with the director of revenue of the state of Missouri for the collection of the tax authorized in this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of such tax, and the director of revenue shall collect the additional tax authorized under the provisions of this section. The tax authorized under the provisions of this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue, and the director of revenue shall retain not more than one percent for cost of collection.**

**4. As used in this section, “transient guests” means a person or persons who occupy a room or rooms in a hotel, motel, or tourist court consecutively for thirty-one days or less.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 174, Page 8, Section 137.115, Line 194, by inserting after all of said section and line the following:

**“137.181. If the assessment of real property for residential use increases more than ten percent in value on an annual basis and the assessment is appealed by the owner to the county board of equalization, the county commission, or a court of this state, the assessment shall be presumed erroneous and subject to modification by the county board of equalization, the county commission, or the court. However, the assessor, or other party to the adjudication or appeal on behalf of the assessor, may overcome the presumption by providing clear and convincing evidence that the assessed valuation was proper.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 174, Page 2, Section 135.090, Line 38, by inserting after said section and line the following:

“135.562. 1. If any taxpayer with a federal adjusted gross income of thirty thousand dollars or less incurs costs for the purpose of making all or any portion of such taxpayer’s principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer’s Missouri income tax liability in an amount equal to the lesser of one hundred percent of such costs or two thousand five hundred dollars per taxpayer, per tax year.

2. Any taxpayer with a federal adjusted gross income greater than thirty thousand dollars but less than sixty thousand dollars who incurs costs for the purpose of making all or any portion of such taxpayer’s principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer shall receive a tax credit against such taxpayer’s Missouri income tax liability in an amount equal to the lesser of fifty percent of such costs or two thousand five hundred dollars per taxpayer per tax year. No taxpayer shall be eligible to receive tax credits under this section in any tax year immediately following a tax year in which such taxpayer received tax credits under the provisions of this section.

3. Tax credits issued [pursuant to] **under** this section may be refundable in an amount not to exceed two thousand five hundred dollars per tax year.

4. Eligible costs for which the credit may be claimed include:

- (1) Constructing entrance or exit ramps;
- (2) Widening exterior or interior doorways;
- (3) Widening hallways;
- (4) Installing handrails or grab bars;
- (5) Moving electrical outlets and switches;
- (6) Installing stairway lifts;
- (7) Installing or modifying fire alarms, smoke detectors, and other alerting systems;
- (8) Modifying hardware of doors; or
- (9) Modifying bathrooms.

5. The tax credits allowed, including the maximum amount that may be claimed, [pursuant to] **under** this section shall be reduced by an amount sufficient to offset any amount of such costs a taxpayer has already deducted from such taxpayer’s federal adjusted gross income or to the extent such taxpayer has applied any other state or federal income tax credit to such costs.

6. A taxpayer shall claim a credit allowed by this section in the same [taxable] **tax** year as the credit is issued, and at the time such taxpayer files his or her Missouri income tax return; provided that such return is timely filed.

7. The department may, in consultation with the department of social services, promulgate such rules

or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The provisions of this section shall apply to all tax years beginning on or after January 1, 2008.

9. The provisions of this section shall expire December 31, [2019] **2025**, unless reauthorized by the general assembly. This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.

10. In no event shall the aggregate amount of all tax credits allowed [pursuant to] **under** this section exceed one hundred thousand dollars in any given fiscal year. The tax credits issued pursuant to this section shall be on a first-come, first-served filing basis.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SS for SCS for SB 28**, entitled:

An Act to repeal sections 135.350, 135.352, and 135.363, RSMo, and to enact in lieu thereof three new sections relating to low-income housing tax credits.

With House Amendment No. 1.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 28, Page 4, 135.363, Lines 1-21, by deleting all of said lines and inserting in lieu thereof the following:

“135.363. 1. All or any portion of tax credits issued in accordance with the provisions of sections 135.350 to 135.363 may be transferred, sold or assigned to parties who are eligible under the provisions of subsection 1 of section 135.352. **For qualified Missouri projects, an owner or transferee desiring to make a transfer, sale, or assignment, as described in this subsection, shall submit to the director of the department of revenue a statement that describes the amount of credit for which such transfer, sale, or assignment of credit is eligible. The owner shall provide to the director of revenue appropriate information so that the low-income housing tax credit can be properly allocated.**



2. [Beginning January 1, 1995, for qualified projects which began on or after January 1, 1994, an owner or transferee desiring to make a transfer, sale or assignment as described in subsection 1 of this section shall submit to the director of the department of revenue a statement which describes the amount of credit for which such transfer, sale or assignment of credit is eligible. The owner shall provide to the director of revenue appropriate information so that the low-income housing tax credit can be properly allocated.] **All or any portion of tax credits issued in accordance with the provisions of sections 135.350 to 135.363 may be transferred, sold, or assigned to a third party if so authorized by the commission and elected by the taxpayer. To transfer, sell, or assign a tax credit to a third party, the taxpayer shall file a notarized endorsement thereof that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department, with the department of revenue. In the event that recapture of the Missouri low-income housing tax credit is required pursuant to subsection 2 of section 135.355, any notarized endorsement submitted to the director as provided in this subsection shall include the proportion of the state credit required to be recaptured, the identity of each taxpayer subject to the recapture, and the amount of credit previously sold, transferred, or assigned to such taxpayer.**

3. In the event that recapture of Missouri low-income housing tax credits is required pursuant to subsection 2 of section 135.355, any statement **or notarized endorsement** submitted to the director of the department of revenue as provided in this section shall include the proportion of the state credit required to be recaptured, the identity of each transferee subject to recapture and the amount of credit previously transferred to such transferee.

4. The director of the department of revenue may prescribe rules and regulations necessary for the administration of the provisions of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS for SCS for SB 147**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS for SB 202**, as amended, and grants the Senate a conference thereon.

On motion of Senator Rowden, the Senate recessed until 5:30 p.m.

## **RECESS**

The time of recess having expired, the Senate was called to order by President Kehoe.

## **RESOLUTIONS**

Senator Luetkemeyer offered Senate Resolution No. 930, regarding the Fiftieth Anniversary of Herzog

Contracting Corp., St. Joseph, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 931, regarding Dana Black, St. Joseph, which was adopted.

### **PRIVILEGED MOTIONS**

Senator Hegeman moved that the Senate grant the House further conference on **HCS** for **HB 3**, with **SCS**, which motion prevailed.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 3**: Senators Hegeman, Sater, Cunningham, Holsman and Rizzo.

### **HOUSE BILLS ON THIRD READING**

At the request of Senator Emery, **HB 113**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 604**, entitled:

An Act to amend chapter 161, RSMo, by adding thereto eleven new sections relating to elementary and secondary education.

Was taken up by Senator Hoskins.

**SCS** for **HCS** for **HB 604**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 604**

An Act to amend chapter 161, RSMo, by adding thereto eleven new sections relating to elementary and secondary education.

Was taken up.

Senator Hoskins offered **SS** for **SCS** for **HCS** for **HB 604**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 604**

An Act to repeal section 167.125, RSMo, and to enact in lieu thereof thirteen new sections relating to elementary and secondary education.

Senator Hoskins moved that **SS** for **SCS** for **HCS** for **HB 604** be adopted.

Senator Cunningham offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House

Bill No. 604, Page 18, Section 167.125, Line 1 of said page, by inserting immediately after said line the following:

“171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date, days of planned attendance, and providing a minimum term of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week, and one thousand forty-four hours of actual pupil attendance. In school year 2019-20 and subsequent years, one thousand forty-four hours of actual pupil attendance shall be required for the school term with no minimum number of school days. In addition, such calendar shall include six make-up days for possible loss of attendance due to inclement weather as defined in subsection 1 of section 171.033. In school year 2019-20 and subsequent years, such calendar shall include thirty-six make-up hours for possible loss of attendance due to inclement weather, as defined in subsection 1 of section 171.033, with no minimum number of make-up days.

2. Each local school district may set its opening date each year, which date shall be no earlier than [ten] **fourteen** calendar days prior to the first Monday in September. No public school district shall select an earlier start date unless, **for calendars for school years before school year 2020-21**, the district follows the procedure set forth in subsection 3 of this section. **The procedure set forth in subsection 3 of this section shall be unavailable to school districts in preparing their calendars for school year 2020-21 and for subsequent years.**

3. **For calendars for school years before school year 2020-21**, a district may set an opening date that is more than [ten] **fourteen** calendar days prior to the first Monday in September only if the local school board first gives public notice of a public meeting to discuss the proposal of opening school on a date more than [ten] **fourteen** days prior to the first Monday in September, and the local school board holds said meeting and, at the same public meeting, a majority of the board votes to allow an earlier opening date. If all of the previous conditions are met, the district may set its opening date more than [ten] **fourteen** calendar days prior to the first Monday in September. The condition provided in this subsection must be satisfied by the local school board each year that the board proposes an opening date more than [ten] **fourteen** days before the first Monday in September.

4. If any local district violates the provisions of this section, the department of elementary and secondary education shall withhold an amount equal to one quarter of the state funding the district generated under section 163.031 for each date the district was in violation of this section.

5. The provisions of subsections 2 to 4 of this section shall not apply to school districts in which school is in session for twelve months of each calendar year.

6. The state board of education may grant an exemption from this section to a school district that demonstrates highly unusual and extenuating circumstances justifying exemption from the provisions of subsections 2 to 4 of this section. Any exemption granted by the state board of education shall be valid for one academic year only.

171.033. 1. “Inclement weather”, for purposes of this section, shall be defined as ice, snow, extreme cold, flooding, or a tornado, but such term shall not include excessive heat.

2. (1) A district shall be required to make up the first six days of school lost or cancelled due to inclement weather and half the number of days lost or cancelled in excess of six days if the makeup of the

days is necessary to ensure that the district's students will attend a minimum of one hundred forty-two days and a minimum of one thousand forty-four hours for the school year except as otherwise provided in this section. Schools with a four-day school week may schedule such make-up days on Fridays.

(2) Notwithstanding subdivision (1) of this subsection, in school year 2019-20 and subsequent years, a district shall be required to make up the first thirty-six hours of school lost or cancelled due to inclement weather and half the number of hours lost or cancelled in excess of thirty-six if the makeup of the hours is necessary to ensure that the district's students attend a minimum of one thousand forty-four hours for the school year, except as otherwise provided under subsections 3 and 4 of this section.

3. (1) In the 2009-10 school year and subsequent years, a school district may be exempt from the requirement to make up days of school lost or cancelled due to inclement weather in the school district when the school district has made up the six days required under subsection 2 of this section and half the number of additional lost or cancelled days up to eight days, resulting in no more than ten total make-up days required by this section.

(2) In school year 2019-20 and subsequent years, a school district may be exempt from the requirement to make up school lost or cancelled due to inclement weather in the school district when the school district has made up the thirty-six hours required under subsection 2 of this section and half the number of additional lost or cancelled hours up to forty-eight, resulting in no more than sixty total make-up hours required by this section.

4. The commissioner of education may provide, for any school district that cannot meet the minimum school calendar requirement of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week and one thousand forty-four hours of actual pupil attendance or, in school year 2019-20 and subsequent years, one thousand forty-four hours of actual pupil attendance, upon request, a waiver to be excused from such requirement. This waiver shall be requested from the commissioner of education and may be granted if the school was closed due to circumstances beyond school district control, including inclement weather or fire.

**5. For the 2018-2019 school year, a district shall be exempt from the requirements of subsections 2 and 3 of this section, and only be required to make up the first six days of school lost or cancelled due to inclement weather.**

Section B. Because of the high number of school days lost due to inclement weather this year, the repeal and reenactment of section 171.033 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 171.033 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Arthur offered SA 2:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 604, Page 1, Section A, Line 5 of said page, by inserting immediately after said line the following:

“160.545. 1. There is hereby established within the department of elementary and secondary education the “A+ Schools Program” to be administered by the commissioner of education. The program shall consist of grant awards made to public secondary schools that demonstrate a commitment to ensure that:

(1) All students be graduated from school;

(2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and

(3) All students:

**(a) Earn credits toward any type of college degree while in high school; or**

**(b) Proceed from high school graduation to a college or postsecondary vocational or technical school or high-wage job with work place skill development opportunities.**

2. The state board of education shall promulgate rules and regulations for the approval of grants made under the program to schools that:

(1) Establish measurable districtwide performance standards for the goals of the program outlined in subsection 1 of this section; and

(2) Specify the knowledge, skills and competencies, in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify a student for graduation from the school; and

(3) Do not offer a general track of courses that, upon completion, can lead to a high school diploma; and

(4) Require rigorous coursework with standards of competency in basic academic subjects for students pursuing vocational and technical education as prescribed by rule and regulation of the state board of education; and

(5) Have a partnership plan developed in cooperation and with the advice of local business persons, labor leaders, parents, and representatives of college and postsecondary vocational and technical school representatives, with the plan then approved by the local board of education. The plan shall specify a mechanism to receive information on an annual basis from those who developed the plan in addition to senior citizens, community leaders, and teachers to update the plan in order to best meet the goals of the program as provided in subsection 1 of this section. Further, the plan shall detail the procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students. The plan shall outline counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs, and shall contain procedures for the recruitment of volunteers from the community of the school to serve in schools receiving program grants.

3. Any nonpublic school in this state may apply to the state board of education for certification that it meets the requirements of this section subject to the same criteria as public high schools. Every nonpublic school that applies and has met the requirements of this section shall have its students eligible for reimbursement of postsecondary education under subsection 8 of this section on an equal basis to students who graduate from public schools that meet the requirements of this section. Any nonpublic school that applies shall not be eligible for any grants under this section. Students of certified nonpublic schools shall be eligible for reimbursement of postsecondary education under subsection 8 of this section so long as they

meet the other requirements of such subsection. For purposes of subdivision (5) of subsection 2 of this section, the nonpublic school shall be included in the partnership plan developed by the public school district in which the nonpublic school is located. For purposes of subdivision (1) of subsection 2 of this section, the nonpublic school shall establish measurable performance standards for the goals of the program for every school and grade level over which the nonpublic school maintains control.

4. A school district may participate in the program irrespective of its accreditation classification by the state board of education, provided it meets all other requirements.

5. By rule and regulation, the state board of education may determine a local school district variable fund match requirement in order for a school or schools in the district to receive a grant under the program. However, no school in any district shall receive a grant under the program unless the district designates a salaried employee to serve as the program coordinator, with the district assuming a minimum of one-half the cost of the salary and other benefits provided to the coordinator. Further, no school in any district shall receive a grant under the program unless the district makes available facilities and services for adult literacy training as specified by rule of the state board of education.

6. For any school that meets the requirements for the approval of the grants authorized by this section and specified in subsection 2 of this section for three successive school years, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services in the school. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092 and such other rules and regulations as determined by the commissioner of education, except such waivers shall be confined to the school and not other schools in the school district unless such other schools meet the requirements of this subsection. However, any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the requirements for the approval of the grants authorized by this section as specified in subsection 2 of this section.

7. For any school year, grants authorized by subsections 1, 2, and 5 of this section shall be funded with the amount appropriated for this program, less those funds necessary to reimburse eligible students pursuant to subsection 8 **or** 9 of this section.

8. The department of higher education shall, by rule, establish a procedure for the reimbursement of the cost of tuition, books and fees to any public community college or vocational or technical school or within the limits established in subsection [10] **11** of this section for any two-year private vocational or technical school for any student:

(1) Who has attended a high school in the state for at least [three] **two** years [prior to graduation] that meets the requirements of subsection 2 of this section and who has graduated from such a school; except that, students who are active duty military dependents, and students who are [dependants] **dependents** of retired military who relocate to Missouri within one year of the date of the parent's retirement from active

duty[, who[, in the school year immediately preceding graduation,] meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the [three-year] **two-year** attendance requirement of this subdivision; and

(2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and

(3) Who has earned a minimal grade average while in high school **or through the semester immediately before taking the course for which reimbursement is sought** as determined by rule of the department of higher education, and other requirements for the reimbursement authorized by this subsection as determined by rule and regulation of the department; and

(4) Who is a citizen or permanent resident of the United States.

**9. The department of higher education shall, by rule, establish a procedure for the reimbursement of the cost of tuition, and fees for any dual-credit or dual-enrollment course offered to a student in high school in association with an institution of higher education or vocational or technical school, subject to the requirements of subsection 11 of this section, for any student who meets the requirements established in subsection 8 of this section immediately before taking the course for which reimbursement is sought.**

**10.** The commissioner of education shall develop a procedure for evaluating the effectiveness of the program described in this section. Such evaluation shall be conducted annually with the results of the evaluation provided to the governor, speaker of the house, and president pro tempore of the senate.

[10.] **11.** For a two-year private vocational or technical school to obtain reimbursements under subsection 8 **or 9** of this section, the following requirements shall be satisfied:

(1) Such two-year private vocational or technical school shall be a member of the North Central Association and be accredited by the Higher Learning Commission as of July 1, 2008, and maintain such accreditation;

(2) Such two-year private vocational or technical school shall be designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

(3) No two-year private vocational or technical school shall receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of such college; and

(4) The reimbursements provided to any two-year private vocational or technical school shall not violate the provisions of Article IX, Section 8, or Article I, Section 7, of the Missouri Constitution or the first amendment of the United States Constitution.

**12. The department of higher education shall distribute reimbursements in the following manner:**

**(1) To community college or vocational or technical school students;**

**(2) After all students from subdivision (1) of this subsection have been reimbursed, to any dual-credit or dual-enrollment student on the basis of financial need.”; and**

Further amend the title and enacting clause accordingly.

Senator Arthur moved that the above amendment be adopted, which motion prevailed.

Senator Arthur offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 604, Page 18, Section 167.125, Line 1 of said page, by inserting after all of said line the following:

“177.086. 1. Any school district authorizing the construction of facilities which may exceed an expenditure of [fifteen] **fifty** thousand dollars shall publicly advertise, once a week for two consecutive weeks, in a newspaper of general circulation, qualified pursuant to chapter 493, located within the city in which the school district is located, or if there be no such newspaper, in a qualified newspaper of general circulation in the county, or if there be no such newspaper, in a qualified newspaper of general circulation in an adjoining county, and may advertise in business, trade, or minority newspapers, for bids on said construction.

2. No bids shall be entertained by the school district which are not made in accordance with the specifications furnished by the district and all contracts shall be let to the lowest responsible bidder complying with the terms of the letting, provided that the district shall have the right to reject any and all bids.

3. All bids must be submitted sealed and in writing, to be opened publicly at time and place of the district’s choosing.”; and

Further amend the title and enacting clause accordingly.

Senator Arthur moved that the above amendment be adopted, which motion prevailed.

Senator Schupp offered **SA 4**:

**SENATE AMENDMENT NO. 4**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 604, Page 15, Section 161.1130, Line 1 by inserting after all of said line the following:

“163.031. 1. The department of elementary and secondary education shall calculate and distribute to each school district qualified to receive state aid under section 163.021 an amount determined by multiplying the district’s weighted average daily attendance by the state adequacy target, multiplying this product by the dollar value modifier for the district, and subtracting from this product the district’s local effort and subtracting payments from the classroom trust fund under section 163.043.

2. Other provisions of law to the contrary notwithstanding:

(1) For districts with an average daily attendance of more than three hundred fifty in the school year preceding the payment year:

(a) For the 2008-09 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier, and dividing this



product by the weighted average daily attendance computed for the 2005-06 school year;

(b) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (a) of this subdivision, multiplied by the weighted average daily attendance pursuant to section 163.036, less any increase in revenue received from the classroom trust fund under section 163.043;

(2) For districts with an average daily attendance of three hundred fifty or less in the school year preceding the payment year:

(a) For the 2008-09 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier;

(b) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (a) of this subdivision;

(3) The department of elementary and secondary education shall make an addition in the payment amount specified in subsection 1 of this section to assure compliance with the provisions contained in this subsection.

3. School districts that meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs under section 163.161; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515; the vocational education entitlement for the district, as provided for in section 167.332; and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699. The categorical add-on revenue amounts may be adjusted to accommodate available appropriations.

4. For any school district meeting the eligibility criteria for state aid as established in section 163.021, but which is considered an option district under section 163.042 and therefore receives no state aid, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services as provided in section 163.042.

5. (1) No less than seventy-five percent of the state revenue received under the provisions of subsections 1 and 2 of this section shall be placed in the teachers' fund, and the remaining percent of such moneys shall be placed in the incidental fund. No less than seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 shall be placed in the teachers' fund. One hundred percent of revenue received under the provisions of section 163.161 shall be placed in the incidental fund. One hundred percent of revenue received under the provisions of sections 168.500 to 168.515 shall be placed in the teachers' fund.

(2) A school district shall spend for certificated compensation and tuition expenditures each year:

(a) An amount equal to at least seventy-five percent of the state revenue received under the provisions of subsections 1 and 2 of this section;

(b) An amount equal to at least seventy-five percent of one-half of the funds received from the school

district trust fund distributed under section 163.087 during the preceding school year; and

(c) Beginning in fiscal year 2008, as much as was spent per the second preceding year's weighted average daily attendance for certificated compensation and tuition expenditures the previous year from revenue produced by local and county tax sources in the teachers' fund, plus the amount of the incidental fund to teachers' fund transfer calculated to be local and county tax sources by dividing local and county tax sources in the incidental fund by total revenue in the incidental fund.

In the event a district fails to comply with this provision, the amount by which the district fails to spend funds as provided herein shall be deducted from the district's state revenue received under the provisions of subsections 1 and 2 of this section for the following year, provided that the state board of education may exempt a school district from this provision if the state board of education determines that circumstances warrant such exemption.

6. (1) If a school district's annual audit discloses that students were inappropriately identified as eligible for free and reduced price lunch, special education, or limited English proficiency and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of aid paid pursuant to the weighting for free and reduced price lunch, special education, or limited English proficiency in the weighted average daily attendance on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of such aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid.

(2) In the 2017-18 school year and in each subsequent school year, if a district experiences a decrease in its gifted program enrollment of twenty percent or more from the previous school year, an amount equal to the product of the difference between the number of students enrolled in the gifted program in the current school year and the number of students enrolled in the gifted program in the previous school year multiplied by six hundred eighty dollars shall be subtracted from the district's current year payment amount. The provisions of this subdivision shall apply to districts entitled to receive state aid payments under both subsections 1 and 2 of this section but shall not apply to any school district with an average daily attendance of three hundred fifty or less.

7. Notwithstanding any provision of law to the contrary, in any fiscal year during which the total formula appropriation is insufficient to fully fund the entitlement calculation of this section, the department of elementary and secondary education shall adjust the state adequacy target in order to accommodate the appropriation level for the given fiscal year. In no manner shall any payment modification be rendered for any district qualified to receive payments under subsection 2 of this section based on insufficient appropriations.

**8. Notwithstanding any provision of law to the contrary, school districts that receive revenue from the tax authorized under sections 148.030, 148.140, 148.620, and 148.720 shall, beginning January 1, 2020, and every January first thereafter, report the amount of said revenue received by the district to the department. The department shall, based on the data submitted by the district, determine the total amount of revenue the district would have received from the tax authorized under sections 148.030, 148.140, 148.620, and 148.720 absent the provisions of section 148.720, and remit the following amount to each applicable district not less than thirty days after the conclusion of each calendar year. The amount remitted to each district shall be the total of the revenue received by the**

district from the tax authorized under sections 148.030, 148.140, 148.620, and 148.720 during the applicable calendar year times one and five thousand six hundred and twenty-five ten thousandths minus the total of the revenue received by the district from the tax authorized under sections 148.030, 148.140, 148.620, and 148.720 during the same calendar year. This payment shall be in addition to payments authorized under subsections 1, 2, and 7 of this section and shall be made from the annual appropriation to fund this section.”; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator Luetkemeyer offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 604, Page 18, Section 167.125, Line 1, by inserting after all of said line the following:

**“168.025. 1. For purposes of this section, “teacher externship” means an experience in which a teacher, supervised by his or her school or school district, gains practical experience at a business located in Missouri through observation and interaction with employers and employees.**

**2. The department of economic development and the department of elementary and secondary education shall develop and recommend:**

**(1) Requirements for teacher externships that can be considered the equivalent of the completion of credit hours in graduate-level courses for purposes of salary schedules; and**

**(2) An equivalency schedule that sets forth the number of credit hours in graduate-level courses that shall be considered equivalent to and awarded for each type of teacher externship. To classify teacher externships and determine the number of credit hours that would be appropriate for each type, the length of the teacher externship, the practical experience gained, or any other factor deemed relevant may be considered.**

**3. The department of economic development and the department of elementary and secondary education shall adopt and publish on their websites, before July 1, 2020, requirements for teacher externships that can be considered the equivalent of the completion of credit hours in graduate-level courses for purposes of salary schedules and an equivalency schedule as described in subsection 2 of this section. Any teacher externship that meets the published requirements shall be known as and considered a certified teacher externship for purposes of this section.**

**4. If a school district or charter school uses a salary schedule in which a teacher receives a higher salary if he or she has earned credit hours in graduate-level courses, the school district or charter school shall consider any teacher who has completed a certified teacher externship to have completed credit hours in graduate-level courses on its salary schedule in the manner prescribed by the equivalency schedule developed under this section and compensate the teacher accordingly.**

**5. The department of elementary and secondary education and the department of economic development may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of**

**chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.**

**6. Under section 23.253 of the Missouri sunset act:**

**(1) The provisions of the new program authorized under this section shall automatically sunset five years after the effective date of this section unless reauthorized by an act of the general assembly;**

**(2) If such program is reauthorized, the program authorized under this section shall automatically sunset ten years after the effective date of the reauthorization of this section; and**

**(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and**

Further amend the title and enacting clause accordingly.

Senator Luetkemeyer moved that the above amendment be adopted, which motion prevailed.

Senator Schupp offered **SA 6:**

**SENATE AMENDMENT NO. 6**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 604, Page 2, Section 161.089, Line 12, by inserting after all of said line the following:

“161.700. 1. This section shall be known as the “Holocaust Education and Awareness Commission Act”.

2. There is hereby created a permanent state commission known as the “Holocaust Education and Awareness Commission”. The commission shall be housed in the department of elementary and secondary education and shall promote implementation of holocaust education and awareness programs in Missouri in order to encourage understanding of the holocaust and discourage bigotry.

3. The commission shall be composed of twelve members to be appointed by the governor with advice and consent of the senate. The makeup of the commission shall be:

(1) The commissioner of higher education;

(2) The commissioner of elementary and secondary education;

(3) The president of the University of Missouri system; and

(4) Nine members of the public, representative of the diverse religious and ethnic heritage groups populating Missouri.

4. The holocaust education and awareness commission may receive such funds as appropriated from public moneys or contributed to it by private sources. It may sponsor programs or publications to educate the public about the crimes of genocide in an effort to deter indifference to crimes against humanity and human suffering wherever they occur.

5. The term “holocaust” shall be defined as the period from 1933 through 1945 when six million Jews and millions of others were murdered [in Nazi concentration camps] **by Nazi Germany and its**

**collaborators** as part of a structured, state-sanctioned program of genocide.

6. The commission may employ an executive director and such other persons to carry out its functions.”; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Hoskins, **HCS** for **HB 604**, with **SCS** and **SS** for **SCS**, as amended, was placed on the Informal Calendar.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 215**, entitled:

An Act to repeal sections 67.2800 and 67.2815, RSMo, and to enact in lieu thereof seven new sections relating to residential property assessment clean energy.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 3**. Representatives: Smith, Wood, Black (7), Kendrick, Burnett.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 345**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to random acts of kindness day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Rowden, the Senate recessed until 7:15 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Kehoe.

### **PRIVILEGED MOTIONS**

Senator Bernskoetter moved that **SB 196**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 196**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 196

An Act to repeal sections 253.080 and 253.403, RSMo, and to enact in lieu thereof three new sections relating to the division of state parks,

Was taken up.

Senator Bernskoetter moved that **HCS for SB 196**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senator Koenig—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Bernskoetter, **HCS for SB 196**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senator Koenig—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Bernskoetter, title to the bill was agreed to.

Senator Bernskoetter moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Crawford moved that **SCS** for **SB 167**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 167**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 167

An Act to repeal section 107.170, RSMo, and to enact in lieu thereof one new section relating to contracts for construction services.

Was taken up.

Senator Crawford moved that **HCS** for **SCS** for **SB 167**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Brown	Burlison	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senators

Bernskoetter      Riddle—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Crawford, **HCS** for **SCS** for **SB 167**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Riddle—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

### HOUSE BILLS ON THIRD READING

Senator Sater moved that **HB 219**, with **SS** and point of order (pending), be called from the Informal Calendar and again taken up for third reading and final passage, which motion prevailed.

At the request of Senator Sifton, the point of order was withdrawn.

**SS** for **HB 219** was again taken up.

At the request of Senator Sater, **SS** for **HB 219** was withdrawn.

Senator Sater offered **SS No. 2** for **HB 219**, entitled:

#### SENATE SUBSTITUTE NO. 2 FOR HOUSE BILL NO. 219

An Act to repeal sections 191.603, 191.605, 191.607, 192.067, 192.667, 193.015, 195.060, 195.080, 195.100, 196.100, 198.082, 208.146, 208.151, 208.225, 208.790, 221.111, 332.361, 334.037, 334.104, 334.108, 334.735, 334.736, 334.747, 334.749, 335.175, 338.010, 338.015, 338.055, 338.056, 338.140, 374.500, 376.690, 376.1350, 376.1356, 376.1363, 376.1372, 376.1385, 630.175, and 630.875, RSMo, and to enact in lieu thereof fifty-two new sections relating to health care, with penalty provisions.

Senator Sater moved that **SS No. 2** for **HB 219** be adopted.

Senator Holsman offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for House Bill No. 219, Page 1, In the Title, Line 11, by inserting immediately after “provisions” the following: “, and with an emergency clause for a certain section”; and

Further amend said bill, page 125, section 376.690, line 22, by inserting after all of said line the following:

**“376.1260. 1. (1) As used in this section, unless the context clearly requires otherwise, terms shall have the same meaning as ascribed to them in section 376.1350.**

**(2) As used in this section, the term “off-label usage” shall mean when a Food and Drug Administration-approved drug is used for the practice of medicine in a manner that differs from the approved drug label, including but not limited to:**

- (a) Used for a different disease or medical condition;**
- (b) Administered in a different manner; or**
- (c) Administered in a different dose.**



**2. Each health benefit plan delivered, issued for delivery, continued, or renewed in the state shall provide coverage for an enrollee's off-label usage of drugs for purposes of cancer treatment when the drug has been prescribed or recommended to the enrollee by at least two licensed oncologists who attest the drug may extend the enrollee's life.";** and

Further amend said bill, page 148, section 630.875, line 9, by inserting after all of said line the following:

"Section B. Because of the need for timely and affordable access to medical treatments, the enactment of section 376.1260 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 376.1260 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Holsman moved that the above amendment be adopted, which motion prevailed.

Senator Brown offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for House Bill No. 219, Page 125, Section 376.690, Line 22 of said page, by inserting immediately after said line the following:

**"376.1040. 1. No multiple employer self-insured health plan shall be offered or advertised to the public [generally]. No plan shall be sold, solicited, or marketed by persons or entities defined in section 375.012 or sections 376.1075 to 376.1095. Multiple employer self-insured health plans with a certificate of authority approved by the director under section 376.1002 shall be exempt from the restrictions set forth in this section.**

**2. A health carrier acting as an administrator for a multiple employer self insured health plan shall permit any willing licensed broker to quote, sell, solicit, or market such plan to the extent permitted by this section; provided that such broker is appointed and in good standing with the health carrier and completes all required training.**

376.1042. The sale, solicitation or marketing of any plan **in violation of section 376.1040** by an agent, agency or broker shall constitute a violation of section 375.141."; and

Further amend the title and enacting clause accordingly.

Senator Brown moved that the above amendment be adopted, which motion prevailed.

Senator Hegeman offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for House Bill No. 219, Page 36, Section 195.550, Line 1 of said page, by inserting after all of said line the following:

**"195.820. The department of health and senior services may establish through rule promulgation an administration and processing fee, exclusive of any application or license fee established under article XIV of the Missouri Constitution, if the funds in the Missouri veterans' health and care fund are insufficient to provide for the department's administration of the provisions of article XIV. Such**

fees shall be deposited in the Missouri veterans' health and care fund for use solely for the administration of the department's duties under article XIV. Such administration and processing fee shall not be increased more than once during a one-year period, but may be set to increase or decrease each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency.”; and

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator Schupp offered SA 4:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for House Bill No. 219, Page 102, Section 335.175, Line 28, by inserting after all of said line the following:

“337.712. 1. Applications for licensure as a marital and family therapist shall be in writing, submitted to the committee on forms prescribed by the committee and furnished to the applicant. **The form shall include a statement that the applicant has completed two hours of suicide assessment, referral, treatment, and management training.** The application shall contain the applicant’s statements showing the applicant’s education, experience and such other information as the committee may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the division.

2. The division shall mail a renewal notice to the last known address of each licensee prior to the licensure renewal date. Failure to provide the division with the information required for licensure, or to pay the licensure fee after such notice shall result in the expiration of the license. The license shall be restored if, within two years of the licensure date, the applicant provides written application and the payment of the licensure fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the division upon payment of a fee.

4. The committee shall set the amount of the fees authorized. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.700 to 337.739. All fees provided for in sections 337.700 to 337.739 shall be collected by the director who shall deposit the same with the state treasurer to a fund to be known as the “Marital and Family Therapists’ Fund”.

5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriations from the marital and family therapists’ fund for the preceding fiscal year or, if the division requires by rule renewal less frequently than yearly then three times the appropriation from the fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the marital and family therapists’ fund for the preceding fiscal year.”; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator Luetkemeyer offered **SA 5**:

**SENATE AMENDMENT NO. 5**

Amend Senate Substitute No. 2 for House Bill No. 219, Page 2, Section A, Line 2, by inserting after all of said line the following:

**“21.790. 1. There is hereby established the “Task Force on Substance Abuse Prevention and Treatment”. The task force shall be composed of six members from the house of representatives, six members from the senate, and four members appointed by the governor. The senate members of the task force shall be appointed by the president pro tempore of the senate and the house members by the speaker of the house of representatives. There shall be at least two members from the minority party of the senate and at least two members from the minority party of the house of representatives. The members appointed by the governor shall include one member from the health care industry, one member who is a first responder or law enforcement officer, one member who is a member of the judiciary or a prosecuting attorney, and one member representing a substance abuse prevention advocacy group.**

**2. The task force shall select a chairperson and a vice-chairperson, one of whom shall be a member of the senate and one a member of the house of representatives. A majority of the members shall constitute a quorum. The task force shall meet at least once during each legislative session and at all other times as the chairperson may designate.**

**3. The task force shall:**

**(1) Conduct hearings on current and estimated future drug and substance use and abuse within the state;**

**(2) Explore solutions to substance abuse issues; and**

**(3) Draft or modify legislation as necessary to effectuate the goals of finding and funding education and treatment solutions to curb drug and substance use and abuse.**

**4. The task force may make reasonable requests for staff assistance from the research and appropriations staffs of the senate and house of representatives and the joint committee on legislative research. In the performance of its duties, the task force may request assistance or information from all branches of government and state departments, agencies, boards, commissions, and offices.**

**5. The task force shall report annually to the general assembly and the governor. The report shall include recommendations for legislation pertaining to substance abuse prevention and treatment.”;**  
and

Further amend the title and enacting clause accordingly.

Senator Luetkemeyer moved that the above amendment be adopted, which motion prevailed.

Senator Sater moved that **SS No. 2** for **HB 219**, as amended, be adopted, which motion prevailed.

Senator Sater moved that **SS No. 2** for **HB 219**, as amended, be read the 3rd time and was recognized to close.

President Pro Tem Schatz referred **SS No. 2** for **HB 219**, as amended, to the Committee on Fiscal Oversight.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House message on **CCR** for **SCS** for **HCS** for **HB 2** was incorrect. Please see the attached correct message for **CCR** for **SCS** or **HCS** for **HB 2**.

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2**, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 68**, entitled:

An Act to repeal sections 620.511, 620.800, 620.803, 620.806, 620.809, 620.2005, 620.2010, 620.2020, and 620.2475, RSMo, and to enact in lieu thereof nine new sections relating to workforce development.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 5 to House Amendment No. 1, House Amendment No. 1 as amended, and House Amendment No. 2.

#### HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Bill No. 68, Page 1, Line 9, by inserting after the word “**section**” the phrase “**and section 173.2554**”; and

Further amend said page, Line 21, by inserting after the word “**thousand**” the word “**dollars**”; and

Further amend said amendment, Page 2, Lines 23 and 24, by inserting after each instance of the word “**section**” the phrase “**and section 173.2554**”; and

Further amend said amendment, Page 3, Lines 36 and 46, by deleting the word “**and**” and inserting in lieu thereof the word “**or**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5 TO HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Bill No. 68, Page 4, Line 36, by inserting after all of said line the following:

“Further amend said bill, Page 7, Section 620.803, Line 25, by inserting after the word “**created,**” the following:

“**the potential number of new minority jobs created,**”; and”; and

Further amend said amendment, and page, Line 42, by inserting after said line the following:

“Further amend said bill, Page 16, Section 620.2005, Line 5, by inserting after said line the following:

**“(3) “Contractor”, a person, employer, or business entity that enters into an agreement to perform any service or work or to provide a certain product in exchange for valuable consideration. This definition shall include but not be limited to a general contractor, subcontractor, independent contractor, contract employee, project manager, or a recruiting or staffing entity;”;** and

Further amend said bill and section by renumbering subsequent subdivisions accordingly; and”;

Further amend said amendment, Page 5, Line 16, by inserting after said line the following:

“Further amend said bill and section, Page 18, Line 68, by inserting after the word “program” the following:

**“. The notice of intent shall be accompanied with a detailed plan by the qualifying company to make good faith efforts to employ, at a minimum, commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, the following: racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census. At a minimum, such plan shall include monitoring the effectiveness of outreach and recruitment strategies in attracting diverse applicants and linking with different or additional referral sources in the event that recruitment efforts fail to produce a diverse pipeline of applicants”;** and”;

Further amend said amendment, Page 6, Line 46, by inserting after all of said line the following:

“Further amend said bill, Page 24, Section 620.2020, Line 9, by inserting after the word “provided.” the following:

**“The department shall certify or reject the qualifying company’s plan outlined in their notice of intent as satisfying good faith efforts made to employ, at a minimum, commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, the following: racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census.”;** and”;

Further amend said amendment, Page 7, Line 12, by inserting after all of said line the following:

“Further amend said bill and section, Page 25, Line 40, by inserting after the words “jobs” the following:

**“, along with minority jobs created or retained,”;** and

Further amend said bill, section, and page, Line 45, by inserting after the first occurrence of the word “required,” the following:

**“if the department after a review determines the qualifying company fails to satisfy other aspects of their notice of intent, including failure to make good faith efforts to employ, at a minimum, commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, the following: racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census,”;** and”;

and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 68, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

**“173.2553. 1. There is hereby established a “Fast Track Workforce Incentive Grant”, and any moneys appropriated by the general assembly for this program shall be used to provide grants for Missouri citizens to attend an approved Missouri postsecondary institution of their choice in accordance with the provisions of this section.**

**2. The definitions of terms set forth in section 173.1102 shall be applicable to such terms as used in this section. In addition, the following terms shall mean:**

**(1) “Board”, the coordinating board for higher education;**

**(2) “Eligible student”, an individual who:**

**(a) Has completed and submitted a FAFSA for the academic year for which the grant is requested;**

**(b) Is a citizen or permanent resident of the United States;**

**(c) Is a Missouri resident as determined by reference to standards promulgated by the coordinating board;**

**(d) Is enrolled, or plans to enroll, at least half-time as a student in an eligible undergraduate program of study offered by an approved public, private, or virtual institution, as defined in section 173.1102;**

**(e) Has an adjusted gross income, as reported on the FAFSA, that does not exceed eighty thousand dollars for married filing joint taxpayers or forty thousand for all other taxpayers; and**

**(f) Is twenty-five years of age or older at the time of enrollment or has not been enrolled in an educational program for the prior two academic years;**

**(3) “Eligible program of study”, a program of instruction:**

**(a) Resulting in the award of a certificate, undergraduate degree, or other industry-recognized credential; and**

**(b) That has been designated by the coordinating board as preparing students to enter an area of occupational shortage as determined by the board;**

**(4) “FAFSA”, the Free Application for Federal Student Aid, as maintained by the United States Department of Education;**

**(5) “Fast track grant”, an amount of moneys paid by the state of Missouri to a student under the provisions of this section;**

**(6) “Graduation”, completion of a program of study as indicated by the award of a certificate, undergraduate degree, or other industry-recognized credential;**

**(7) “Qualifying employment”, full-time employment of a Missouri resident at a workplace located within the state of Missouri, or self-employment while a Missouri resident, with at least fifty percent of an individual’s annual income coming from self-employment, either of which result in required**

returns of income in accordance with section 143.481;

(8) “Recipient”, an eligible student or renewal student who receives a fast track grant under the provisions of this section;

(9) “Renewal student”, an eligible student who remains in compliance with the provisions of this section, has received a grant as an initial recipient, maintains a cumulative grade-point average of at least two and one-half on a four-point scale or the equivalent, makes satisfactory academic degree progress as defined by the institution, with the exception of grade-point average, and has not received a bachelor’s degree.

3. Standards of eligibility for renewed assistance shall be the same as for an initial award of financial assistance; except that, for renewal, an applicant shall demonstrate a grade-point average of two and one-half on a four-point scale, or the equivalent on another scale.

4. Eligibility for a grant expires upon the earliest of:

(1) Receipt of the grant for four semesters or the equivalent;

(2) Receipt of a bachelor’s degree; or

(3) Reaching two hundred percent of the time typically required to complete the program of study.

5. The coordinating board shall initially designate eligible programs of study by January 1, 2020, in connection with local education institutions, regional business organizations, and other stakeholders. The coordinating board shall annually review the list of eligible programs of study and make changes to the program list as it determines appropriate.

6. The coordinating board shall be the administrative agency for the implementation of the program established by this section. The coordinating board shall promulgate reasonable rules and regulations for the exercise of its functions and the effectuation of the purposes of this section. The coordinating board shall prescribe the form and the time and method of filing applications and supervise the processing thereof. The coordinating board shall determine the criteria for eligibility of applicants and shall evaluate each applicant’s eligibility. The coordinating board shall select qualified recipients to receive grants, make such awards of financial assistance to qualified recipients, and determine the manner and method of payment to the recipients.

7. The coordinating board shall determine eligibility for renewed assistance on the basis of annual applications. As a condition to consideration for initial or renewed assistance, the coordinating board may require the applicant and the applicant’s spouse to execute forms of consent authorizing the director of revenue to compare financial information submitted by the applicant with the Missouri individual income tax returns of the applicant, and the applicant’s spouse, for the taxable year immediately preceding the year for which application is made, and to report any discrepancies to the coordinating board.

8. Grants shall be awarded in an amount equal to the actual tuition and general fees charged of an eligible student, after all federal nonloan aid, state student aid, and any other governmental student financial aid are applied. If a grant amount is reduced to zero due to the receipt of other aid, the eligible student shall receive an award of up to five hundred dollars or the remaining cost of attendance as calculated by the institution after all nonloan student aid has been applied, whichever is less, per academic term.

**9. If appropriated funds are insufficient to fund the program as described, students applying for renewed assistance shall be given priority until all funds are expended.**

**10. A recipient of financial assistance may transfer from one approved public, private, or virtual institution to another without losing eligibility for assistance under this section, but the coordinating board shall make any necessary adjustments in the amount of the award. If a recipient of financial assistance at any time is entitled to a refund of any tuition or fees under the rules and regulations of the institution in which he or she is enrolled, the institution shall pay the portion of the refund that may be attributed to the grant to the coordinating board. The coordinating board shall use these refunds to make additional awards under the provisions of this section.**

**11. Subject to the requirements of subsections 2, 3, and 4 of this section, a student is eligible for a fast track grant under this section if the student meets all of the following criteria:**

**(1) The student has successfully completed counseling explaining the benefits and obligations of the program under this section, including the terms and conditions of the promissory note under subdivision (2) of this subsection and the consequences of noncompliance specified in section 173.2554; and**

**(2) The student executes a promissory note acknowledging that the fast track grant moneys awarded under this section will be converted to a loan, and agreeing to repay that loan if he or she fails to satisfy the following conditions:**

**(a) Maintenance of at least half-time enrollment in an eligible program, with an interruption of qualifying enrollment of no more than twelve consecutive months from the last day of the most recent payment period during which the student received a fast track award;**

**(b) Graduation from an approved institution; or**

**(c) Residency within the state of Missouri within twelve months after the date of the student's graduation and for a period of not less than three years and qualifying employment within twelve months of the student's graduation and for a period of not less than three years. Residency and qualifying employment obligations may be deferred if the recipient's studies continue after graduation.**

**12. Persons who receive fast track grants under this section shall be required to submit proof of residency and qualifying employment to the coordinating board for higher education within thirty days of completing each twelve months of qualifying employment until the three year employment obligation is fulfilled.**

**13. Under section 23.253 of the Missouri sunset act:**

**(1) The provisions of the new program authorized under this section shall sunset automatically three years after the effective date of this section, unless reauthorized by an act of the general assembly; and**

**(2) If such program is reauthorized, the program authorized under this section shall sunset automatically six years after the effective date of the reauthorization; and**

**(3) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.**



**173.2554. 1. Except as provided in subsection 2 of this section, if a student who received a fast track grant under section 173.2553 fails to comply with the terms of the promissory note under subdivision (2) of subsection 11 of section 173.2553, including failure to satisfy the conditions in paragraphs (a), (b), and (c) of such subdivision, the fast track grant shall be converted to a loan. This loan shall accrue interest at the federal direct loan interest rate for Direct Subsidized Undergraduate Loans in effect at the time the student enters the eligible program. Interest shall be calculated from the date the recipient enters repayment. For a recipient who fulfills some, but not all, of his or her three-year residency and employment obligations, the amount of the fast track grant that is converted to a loan shall be reduced by one-third for each period of twelve months of residency and employment as verified by the proof of residency and qualifying employment required in subsection 12 of section 173.2553.**

**2. The coordinating board shall provide for a waiver under the fast track grant if the grant is not converted to a loan under subsection 1 of this section for a recipient who fails to comply with terms of the agreement under paragraphs (a), (b), and (c) of subdivision (2) of subsection 11 of section 173.2553 due to his or her total and permanent disability or death, the total and permanent disability or death of his or her spouse or child, or if such recipient or recipient's spouse is providing service to any branch of the Armed Forces of the United States and is transferred out of state and is no longer able to maintain Missouri residency as a result of such service. The waiver shall specify standards for the board's determination of total and permanent disability or death standards for the board's determination of total and permanent disability or death, or military transfer status, and a process for seeking a waiver under this subsection.**

**3. The coordinating board shall deposit in the fast track workforce incentive grant fund all repayments of principal and interest on the loans under subsection 1 of this section.**

**4. The coordinating board shall establish a procedure and guidelines for granting deferments or forbearances of fast track grants that have converted to loans and are in repayment status for recipients who:**

- (1) Are enrolled at least half-time at an institution of higher education;**
- (2) Experience economic hardship;**
- (3) Have a medical condition limiting their ability to continue repayment including, but not limited to, illness, disability, or pregnancy; or**
- (4) Are providing service to any branch of the Armed Forces of the United States.**

**5. The coordinating board shall establish a procedure and guidelines for granting loan discharge for fast track grants that have been converted to loans and are in repayment for recipients who are unable to fulfill the repayment obligation due to their total and permanent disability or death or the total and permanent disability or death of their spouse or child.**

**6. (1) There is hereby created in the state treasury the "Fast Track Workforce Incentive Grant Fund". The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely by the coordinating board for the purposes of this section and section 173.2553.**

**(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.**

**(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**

**7. The coordinating board shall have the authority to promulgate rules to implement the provisions of this section and section 173.2553. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.”; and**

Further amend said bill, Page 8, Section 620.806, Line 3, by deleting the word “**which**” and inserting in lieu thereof the word “**that**”; and

Further amend said bill, Page 10, Section 620.809, Line 4, by deleting the word “**which**” and inserting in lieu thereof the word “**that**”; and

Further amend said bill, Page 17, Section 620.2005, Line 26, by deleting the word “perform” and inserting in lieu thereof the word “[perform] **performed**”; and

Further amend said bill, page, and section, Line 44, by deleting all of said line and inserting in lieu thereof the following:

**“(11) “Manufacturing capital investment”, expenditures made by a qualified manufacturing company to retool or reconfigure a manufacturing project facility directly related to the manufacturing of a new product or the expansion or modification of the manufacture of an existing product;**

**[10 ] (12) “NAICS” or “NAICS industry classification”, the classification provided by”; and**

Further amend said bill, page, and section, by renumbering all subsequent subdivisions; and

Further amend said bill and section, Page 18, Line 66, by deleting all of said line and inserting in lieu thereof the following:

**“[(15)] (17) “New product”, a new model or line of a manufactured good that has not been manufactured in Missouri by a qualified manufacturing company at any time prior to the date of the notice of intent, or an existing brand, model, or line of a manufactured good that is redesigned;**

**(18) “Notice of intent”, a form developed by the department and available online,”; and**

Further amend said bill, page, and section by renumbering all subsequent subdivisions;

Further amend said bill, page, and section, Line 74, by inserting after the word “located” the phrase “**or by a qualified manufacturing company at which a manufacturing capital investment is or will be located**”; and

Further amend said bill and section, Page 20, Line 141, by deleting said line and inserting in lieu thereof the following:

**“[(24)] (27) “Qualified manufacturing company”, a company that:**

**(a) Is a qualified company that manufactures motor vehicles (NAICS group 3361);**

**(b) Manufactures goods at a facility in Missouri;**

**(c) Manufactures a new product or has commenced making a manufacturing capital investment to the project facility necessary for the manufacturing of such new product, or modifies or expands the manufacture of an existing product or has commenced making a manufacturing capital investment for the project facility necessary for the modification or expansion of the manufacture of such existing product; and**

**(d) Continues to meet the requirements of paragraphs (a) to (c) of this subdivision for the project period;**

**(28) “Related company”, shall mean:”; and**

Further amend said bill and section by renumbering subsequent subdivisions accordingly; and

Further amend said bill, Page 21, Section 620.2010, Line 5, by deleting the word “(30)” and inserting in lieu thereof “[(30)] (34)”;

Further amend said bill and section, Page 22, Line 29, by inserting after the word “subsection” the following phrase **“or a qualified manufacturing company under subsection 3 of this section”**; and

Further amend said bill, page, and section, Line 35, by inserting after the word “investment,” the following phrase **“manufacturing capital investment,”**; and

Further amend said bill, page, and section, Line 42, by deleting said line and inserting in lieu thereof the following:

**“3. The department may award tax credits to a qualified manufacturing company that makes a manufacturing capital investment of at least five hundred million dollars not more than three years following the department’s approval of a notice of intent and the execution of an agreement that meets the requirements of subsection 4 of this section. Such tax credits shall be issued no earlier than January 1, 2023, and may be issued each year for a period of five years. A qualified manufacturing company may qualify for an additional five-year period under this subsection if it makes an additional manufacturing capital investment of at least two hundred fifty million dollars within five years of the department’s approval of the original notice of intent.**

**(1) The maximum amount of tax credits that any one qualified manufacturing company may receive under this subsection shall not exceed five million dollars per calendar year. The aggregate amount of tax credits awarded to all qualified manufacturing companies under this subsection shall not exceed ten million dollars per calendar year.**

**(2) If, at the project facility at any time during the project period, the qualified manufacturing company discontinues the manufacturing of the new product, or discontinues the modification or expansion of an existing product, and does not replace it with a subsequent or additional new product or with a modification or expansion of an existing product, the company shall immediately cease receiving any benefit awarded under this subsection for the remainder of the project period and shall forfeit all rights to retain or receive any benefit awarded under this subsection for the remainder of such period.**

**(3) Notwithstanding any other provision of law to the contrary, any qualified manufacturing company that is awarded benefits under this section shall not simultaneously receive tax credits or exemptions under sections 100.700 to 100.850 for the jobs created or retained or capital improvement that qualified for benefits under this section. The provisions of subsection 5 of section 285.530 shall not apply to a qualified manufacturing company that is awarded benefits under this section.**

4. Upon approval of a notice of intent to receive tax credits under [subsections 2 and 5]”; and

Further amend said bill, page, and section by renumbering subsequent subsections accordingly; and

Further amend said bill, page, and section, Line 43, by deleting the phrase “**subsection 2, 5, or 6**” and inserting in lieu thereof the phrase “**subsection 2, 3, 6, or 7**”; and

Further amend said bill, page, and section, Line 46, by inserting after the word “investment” the phrase “**, or the manufacturing capital investment and committed percentage of retained jobs**”; and

Further amend said bill, page, and section, Line 54, by deleting the number “6” and inserting in lieu thereof the number “7”; and

Further amend said bill and section, Page 23, Line 61, by deleting the number “(30)” and inserting in lieu thereof the number “(34)”; and

Further amend said bill, page, and section, Lines 77 and 78, by deleting the number “4” and inserting in lieu thereof the number “[4] 5”; and

Further amend said bill, page, and section, Line 89, by deleting the numbers “4, and 5” and inserting in lieu thereof the numbers “5, and 6”; and

Further amend said bill and section, Page 24, Line 104, by inserting after the word “wage.” the phrase “**Notwithstanding the provisions of section 620.2020 to the contrary, this subsection, shall expire on June 30, 2025.**”; and

Further amend said bill and section, Page 24, Line 108, by inserting after the word “investment” the phrase “**or manufacturing capital investment**”; and

Further amend said bill and page, Section 620.2020, Line 3, by inserting after the word “request.” the phrase “**The department shall respond to a written request, by or on behalf of a qualified manufacturing company, for a proposed benefit award under the provisions of this program within fifteen business days of receipt of such request.**”; and

Further amend said bill and section, Page 25, Line 24, by deleting the number “(19)” and inserting in lieu thereof the number “[ (19) ] (21)”; and

Further amend said bill, page, and section, Line 57, by deleting the number “6” and inserting in lieu thereof the number “7”; and

Further amend said bill and section, Page 26, Line 60, by deleting the number “3” and inserting in lieu thereof the number “4”; and

Further amend said bill, page, and section, Line 79, by deleting all of said line and inserting in lieu thereof the following:

“[(3)] (c) For [any] fiscal [year] years beginning on or after July 1, 2015, **but ending on or**”; and

Further amend said bill, page, and section, Lines 89-91, by deleting all of said lines and inserting in lieu

thereof the following:

**“year for the purpose of the completion of infrastructure projects directly connected with the creation or retention of jobs under the provisions of section 620.2000 to 620.2020 and an additional ten million dollars in tax credits may be authorized for each fiscal year for a qualified manufacturing company based on a manufacturing capital investment as set forth in section 620.2010.”; and**

Further amend said bill, page, and section, Line 93, by inserting after the word **“retention”** the phrase **“for the creation of new jobs”**; and

Further amend said bill and section, Page 27, Line 96, by inserting after the word **“retention”** the phrase **“for the creation of new jobs”**; and

Further amend said bill, page, and section, Line 104, by deleting the number **“6”** and inserting in lieu thereof the number **“7”**; and

Further amend said bill, page, and section, Line 112, by deleting the number **“6”** and inserting in lieu thereof the number **“7”**; and

Further amend said bill, page, and section, Line 114, by deleting the number **“3”** and inserting in lieu thereof the number **“4”**; and

Further amend said bill and section, Page 30, Line 202, by deleting the word **“this”** and inserting in lieu thereof the word **“[this] the”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 68, Page 1, Section A, Line 4, by inserting after said section and line the following:

“135.100. As used in sections 135.100 to 135.150 the following terms shall mean:

(1) “Commencement of commercial operations” shall be deemed to occur during the first [taxable] **tax** year for which the new business facility is first available for use by the taxpayer, or first capable of being used by the taxpayer, in the revenue-producing enterprise in which the taxpayer intends to use the new business facility;

(2) “Existing business facility”, any facility in this state which was employed by the taxpayer claiming the credit in the operation of a revenue-producing enterprise immediately prior to an expansion, acquisition, addition, or replacement;

(3) “Facility”, any building used as a revenue-producing enterprise located within the state, including the land on which the facility is located and all machinery, equipment and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(4) “NAICS”, the North American Industrial Classification System as such classifications are defined in the 2007 edition of the North American Industrial Classification System;

(5) “New business facility”, a facility which satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of a revenue-producing enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer’s only

activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of a revenue-producing enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of a revenue-producing enterprise, the portion employed by the taxpayer in the operation of a revenue-producing enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), (d) and (e) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 1983. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 1983, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 1983, or, if the facility is constructed, erected or installed by or on behalf of the taxpayer, such construction, erection or installation is commenced after December 31, 1983;

(c) If such facility was acquired by the taxpayer from another person or persons and such facility was employed immediately prior to the transfer of title to such facility to the taxpayer, or to the commencement of the term of the lease of such facility to the taxpayer, by any other person or persons in the operation of a revenue-producing enterprise, the operation of the same or a substantially similar revenue-producing enterprise is not continued by the taxpayer at such facility;

(d) Such facility is not a replacement business facility, as defined in subdivision (11) of this section; and

(e) The new business facility investment exceeds one hundred thousand dollars during the tax period in which the credits are claimed;

(6) “New business facility employee”, a person employed by the taxpayer in the operation of a new business facility during the [taxable] tax year for which the credit allowed by section 135.110 is claimed, except that truck drivers and rail and barge vehicle operators shall not constitute new business facility employees. A person shall be deemed to be so employed if such person performs duties in connection with the operation of the new business facility on:

(a) A regular, full-time basis; or

(b) A part-time basis, provided such person is customarily performing such duties an average of at least twenty hours per week; or

(c) A seasonal basis, provided such person performs such duties for at least eighty percent of the season customary for the position in which such person is employed;

(7) “New business facility income”, the Missouri taxable income, as defined in chapter 143, derived by the taxpayer from the operation of the new business facility. For the purpose of apportionment as prescribed in this subdivision, the term “Missouri taxable income” means, in the case of insurance companies, direct premiums as defined in chapter 148. If a taxpayer has income derived from the operation of a new business facility as well as from other activities conducted within this state, the Missouri taxable income derived by the taxpayer from the operation of the new business facility shall be determined by multiplying the taxpayer’s Missouri taxable income, computed in accordance with chapter 143, or in the case of an insurance company, computed in accordance with chapter 148, by a fraction, the numerator of which is the property factor, as defined in paragraph (a) of this subdivision, plus the payroll factor, as defined in paragraph (b) of this subdivision, and the denominator of which is two:

(a) The property factor is a fraction, the numerator of which is the new business facility investment certified for the tax period, and the denominator of which is the average value of all the taxpayer's real and depreciable tangible personal property owned or rented and used in this state during the tax period. The average value of all such property shall be determined as provided in chapter 32;

(b) The payroll factor is a fraction, the numerator of which is the total amount paid during the tax period by the taxpayer for compensation to persons qualifying as new business facility employees, as determined by subsection 4 of section 135.110, at the new business facility, and the denominator of which is the total amount paid in this state during the tax period by the taxpayer for compensation. The compensation paid in this state shall be determined as provided in chapter 32. For the purpose of this subdivision, "other activities conducted within this state" shall include activities previously conducted at the expanded, acquired or replaced facility at any time during the tax period immediately prior to the tax period in which commencement of commercial operations occurred;

(8) "New business facility investment", the value of [real and depreciable tangible personal] property, acquired by the taxpayer as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the [taxable] **tax** year for which the credit allowed by section 135.110 is claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft, and other rolling stock for hire, track, switches, barges, bridges, tunnels, and rail yards and spurs shall not constitute new business facility investments. **For the purposes of sections 135.100 to 135.150, property may be acquired by the taxpayer by purchase, lease, or license, including the right to use software and hardware via on-demand network access to a shared pool of configurable computing resources as long as the rights are used at the new business facility.** The total value of such property during such [taxable] **tax** year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate **or license**, if leased **or licensed** by the taxpayer. The net annual rental **or license** rate shall be the annual rental **or license** rate paid by the taxpayer less any annual rental **or license** rate received by the taxpayer from subrentals **or sublicenses**. The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the [taxable] **tax** year. If the new business facility is in operation for less than an entire [taxable] **tax** year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such [taxable] **tax** year during which the new business facility was in operation by the number of full calendar months during such period;

(9) "Office", a regional, national, or international headquarters, a telemarketing operation, a computer operation, an insurance company, a passenger transportation ticket/reservation system, or a credit card billing and processing center. For the purposes of this subdivision, "headquarters" means the administrative management of at least four integrated facilities operated by the taxpayer or related taxpayer. An office, as defined in this subdivision, when established must create and maintain positions for a minimum number of twenty-five new business facility employees as defined in subdivision (6) of this section;

(10) "Related taxpayer" shall mean:

(a) A corporation, partnership, trust, or association controlled by the taxpayer;

(b) An individual, corporation, partnership, trust, or association in control of the taxpayer; or

(c) A corporation, partnership, trust, or association controlled by an individual, corporation, partnership, trust, or association in control of the taxpayer. For the purposes of sections 135.100 to 135.150, “control of a corporation” shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote; “control of a partnership or association” shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association; and “control of a trust” shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in Section 318 of the U.S. Internal Revenue Code;

(11) “Replacement business facility”, a facility otherwise described in subdivision (3) of this section, hereafter referred to in this subdivision as “new facility”, which replaces another facility, hereafter referred to in this subdivision as “old facility”, located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first [taxable] **tax** year in which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer’s or related taxpayer’s [taxable] **tax** period immediately preceding the [taxable] **tax** year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of a revenue-producing enterprise and the taxpayer continues the operation of the same or substantially similar revenue-producing enterprise at the new facility.

Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer’s new business facility investment, as computed in subsection 5 of section 135.110, in the new facility during the tax period in which the credits allowed in sections 135.110, 135.225, and 135.235 and the exemption allowed in section 135.220 are claimed exceed one million dollars or, if less, two hundred percent of the investment in the old facility by the taxpayer or related taxpayer, and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two except that the total number of employees at the new facility exceeds the total number of employees at the old facility by at least twenty-five if an office as defined in subdivision (9) of this section is established by a revenue-producing enterprise other than a revenue-producing enterprise defined in paragraphs (a) to (g) and (i) to (l) of subdivision (12) of this section;

(12) “Revenue-producing enterprise” means:

(a) Manufacturing activities classified as NAICS 31-33;

(b) Agricultural activities classified as NAICS 11;

(c) Rail transportation terminal activities classified as NAICS 482;

(d) Motor freight transportation terminal activities classified as NAICS 484 and NAICS 4884;

(e) Public warehousing and storage activities classified as NAICS 493, miniwarehouse warehousing and warehousing self-storage;

(f) Water transportation terminal activities classified as NAICS 4832;

(g) Airports, flying fields, and airport terminal services classified as NAICS 481;



- (h) Wholesale trade activities classified as NAICS 42;
- (i) Insurance carriers activities classified as NAICS 524;
- (j) Research and development activities classified as NAICS 5417;
- (k) Farm implement dealer activities classified as NAICS 42382;

(l) Interexchange telecommunications services as defined in subdivision (20) of section 386.020 or training activities conducted by an interexchange telecommunications company as defined in subdivision (19) of section 386.020;

(m) Recycling activities classified as NAICS 42393;

(n) Office activities as defined in subdivision (9) of this section, notwithstanding NAICS classification;

(o) Mining activities classified as NAICS 21;

(p) Computer programming, data processing, and other computer-related activities classified as NAICS 5415;

(q) The administrative management of any of the foregoing activities; or

(r) Any combination of any of the foregoing activities;

(13) “Same or substantially similar revenue-producing enterprise”, a revenue-producing enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed, or conducted in the same or similar manner as in another revenue-producing enterprise;

(14) “Taxpayer”, an individual proprietorship, corporation described in section 143.441 or 143.471, and partnership or an insurance company subject to the tax imposed by chapter 148, or in the case of an insurance company exempt from the thirty-percent employee requirement of section 135.230, to any obligation imposed [pursuant to] **under** section 375.916.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **SCS** for **HCS** for **HB 3**, and has taken up and passed **CCS No. 2** for **SCS** for **HCS** for **HB 3**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 4**, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 4**.

### **PRIVILEGED MOTIONS**

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Cody Smith  
/s/ David Wood  
/s/ Rusty Black  
/s/ Kip Kendrick  
/s/ Ingrid Burnett

FOR THE SENATE:

/s/ Daniel J. Hegeman  
/s/ Lincoln Hough  
/s/ Mike Cunningham  
/s/ S. Kiki Curls  
Jamilah Nasheed

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Sifton
Walsh	White	Wieland	Williams—32			

NAYS—Senator Schupp—1

Absent—Senators—None

Absent with leave—Senator Wallingford—1

Vacancies—None

On motion of Senator Hegeman, **CCS** for **SCS** for **HCS** for **HB 2**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of

Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Sifton
Walsh	White	Wieland	Williams—32			

NAYS—Senator Schupp—1

Absent—Senators—None

Absent with leave—Senator Wallingford—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 3** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 3

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 3.
2. That the House recede from its position on House Committee Substitute for House Bill No. 3.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 3, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Cody Smith

FOR THE SENATE:

/s/ Daniel J. Hegeman

/s/ David Wood  
 /s/ Rusty Black  
 Kip Kendrick  
 Ingrid Burnett

/s/ David Sater  
 /s/ Mike Cunningham  
 Jason Holsman  
 /s/ John Rizzo

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Eigel
Emery	Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer
O’Laughlin	Onder	Riddle	Rizzo	Romine	Rowden	Sater
Schatz	White	Wieland—24				

NAYS—Senators

Arthur	Curls	Holsman	May	Nasheed	Schupp	Sifton
Walsh	Williams—9					

Absent—Senators—None

Absent with leave—Senator Wallingford—1

Vacancies—None

On motion of Senator Hegeman, **CCS No. 2** for **SCS** for **HCS** for **HB 3**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR  
 SENATE COMMITTEE SUBSTITUTE FOR  
 HOUSE COMMITTEE SUBSTITUTE FOR  
 HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	O’Laughlin	Onder	Riddle	Rizzo	Romine	Rowden
Sater	Schatz	White	Wieland—25			

NAYS—Senators

Arthur	Holsman	May	Nasheed	Schupp	Sifton	Walsh
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Williams—8

Absent—Senators—None

Absent with leave—Senator Wallingford—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 5**, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 5**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 6**, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 6**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 7**, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 7**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 8**, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 8**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 9**, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 9**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 10**, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 10**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 11**, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 11**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 12**, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 12**.

### PRIVILEGED MOTIONS

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **CCR** for **SCS** for **HCS** for **HB 4** moved that the following conference committee report be taken up, which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 4

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 4.
2. That the House recede from its position on House Committee Substitute for House Bill No. 4.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 4, be truly agreed to and finally passed.

#### FOR THE HOUSE:

/s/ Cody Smith  
/s/ David Wood  
/s/ Sara Walsh  
/s/ Kip Kendrick  
Greg Razer

#### FOR THE SENATE:

/s/ Daniel J. Hegeman  
/s/ Lincoln Hough  
/s/ Jeanie Riddle  
/s/ S. Kiki Curls  
/s/ John Rizzo

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton

Walsh                      White                      Wieland                      Williams—32

NAYS—Senator Arthur—1

Absent—Senators—None

Absent with leave—Senator Wallingford—1

Vacancies—None

On motion of Senator Hegeman, **CCS** for **SCS** for **HCS** for **HB 4**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wallingford—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **CCR** for **SCS** for **HCS** for **HB 5** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 5

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 5.
2. That the House recede from its position on House Committee Substitute for House Bill No. 5.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 5, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Cody Smith  
/s/ David Wood  
/s/ Curtis Trent  
/s/ Kip Kendrick  
/s/ Deb Lavender

FOR THE SENATE:

/s/ Daniel J. Hegeman  
/s/ Lincoln Hough  
/s/ Mike Cunningham  
/s/ S. Kiki Curls  
/s/ John Rizzo

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wallingford—1

Vacancies—None

On motion of Senator Hegeman, **CCS** for **SCS** for **HCS** for **HB 5**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 5

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of



Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wallingford—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **CCR** for **SCS** for **HCS** for **HB 6** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 6

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 6.
2. That the House recede from its position on House Committee Substitute for House Bill No. 6.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 6, be truly agreed to and finally passed.

## FOR THE HOUSE:

/s/ Cody Smith  
 /s/ David Wood  
 /s/ Hannah S. Kelly  
 /s/ Kip Kendrick  
 /s/ T. L. Pierson Jr.

## FOR THE SENATE:

/s/ Daniel J. Hegeman  
 /s/ Lincoln Hough  
 /s/ Denny Hoskins  
 /s/ S. Kiki Curls  
 /s/ John Rizzo

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Walsh	White	Wieland	Williams—32			

NAYS—Senator Eigel—1

Absent—Senators—None

Absent with leave—Senator Wallingford—1

Vacancies—None

On motion of Senator Hegeman, **CCS** for **SCS** for **HCS** for **HB 6**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
 SENATE COMMITTEE SUBSTITUTE FOR  
 HOUSE COMMITTEE SUBSTITUTE FOR  
 HOUSE BILL NO. 6

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2019, and ending June 30, 2020.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Walsh	White	Wieland	Williams—32			

NAYS—Senator Eigel—1

Absent—Senators—None

Absent with leave—Senator Wallingford—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **CCR** for **SS** for **SCS** for **HCS** for **HB 7** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 7

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 7, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 7.
2. That the House recede from its position on House Committee Substitute for House Bill No. 7.
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 7, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Cody Smith  
/s/ David Wood  
/s/ Hannah Kelly  
/s/ Kip Kendrick  
/s/ Barbara Washington

FOR THE SENATE:

/s/ Daniel J. Hegeman  
/s/ Lincoln Hough  
/s/ David Sater  
/s/ S. Kiki Curls  
/s/ John Rizzo

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	Nasheed	O’Laughlin	Onder	Riddle	Rizzo

Romine	Rowden	Sater	Schatz	Schupp	Sifton	White
Wieland	Williams—30					

NAYS—Senators

Burlison	May	Walsh—3
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Absent—Senators—None

Absent with leave—Senator Wallingford—1

Vacancies—None

On motion of Senator Hegeman, **CCS** for **SS** for **SCS** for **HCS** for **HB 7**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
 SENATE SUBSTITUTE FOR  
 SENATE COMMITTEE SUBSTITUTE FOR  
 HOUSE COMMITTEE SUBSTITUTE FOR  
 HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
White	Wieland	Williams—31				

NAYS—Senators

Burlison	Walsh—2
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Absent—Senators—None

Absent with leave—Senator Wallingford—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 8** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 8

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 8, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 8.
2. That the House recede from its position on House Committee Substitute for House Bill No. 8.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 8, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Cody Smith  
/s/ David Wood  
/s/ Sara Walsh  
/s/ Kip Kendrick  
Peter Merideth

FOR THE SENATE:

/s/ Daniel J. Hegeman  
/s/ Lincoln Hough  
/s/ Mike Cunningham  
/s/ S. Kiki Curls  
/s/ Jason Holsman

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Walsh	White	Wieland	Williams—32			

NAYS—Senator Eigel—1

Absent—Senators—None

Absent with leave—Senator Wallingford—1

Vacancies—None

On motion of Senator Hegeman, **CCS** for **SCS** for **HCS** for **HB 8**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 8

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of

Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Walsh	White	Wieland	Williams—32			

NAYS—Senator Eigel—1

Absent—Senators—None

Absent with leave—Senator Wallingford—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 9** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 9

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 9, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 9.
2. That the House recede from its position on House Committee Substitute for House Bill No. 9.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 9, be truly agreed to and finally passed.

FOR THE HOUSE:  
/s/ Cody Smith

FOR THE SENATE:  
/s/ Daniel J. Hegeman

/s/ David Wood  
 /s/ Sara Walsh  
 /s/ Kip Kendrick  
 Peter Merideth

/s/ Lincoln Hough  
 /s/ Denny Hoskins  
 /s/ S. Kiki Curls  
 /s/ John Rizzo

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Onder	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Sifton	Walsh	White	Wieland

Williams—29

## NAYS—Senators

Holsman                  Nasheed                  Schupp—3

Absent—Senator O’Laughlin—1

Absent with leave—Senator Wallingford—1

Vacancies—None

On motion of Senator Hegeman, **CCS** for **SCS** for **HCS** for **HB 9**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
 SENATE COMMITTEE SUBSTITUTE FOR  
 HOUSE COMMITTEE SUBSTITUTE FOR  
 HOUSE BILL NO. 9

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2019, and ending June 30, 2020.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton

Walsh                  White                  Williams—31

NAYS—Senator Wieland—1

Absent—Senator O’Laughlin—1

Absent with leave—Senator Wallingford—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 10** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 10

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10.
2. That the House recede from its position on House Committee Substitute for House Bill No. 10.
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Cody Smith  
/s/ David Wood  
/s/ J. Patterson  
/s/ Deb Lavender  
/s/ Cora Faith Walker

FOR THE SENATE:

/s/ Daniel J. Hegeman  
/s/ Lincoln Hough  
/s/ David Sater  
/s/ S. Kiki Curls  
/s/ John Rizzo

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Curls
Emery	Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer
Onder	Riddle	Rizzo	Romine	Rowden	Sater	Schatz
Walsh	White	Wieland—24				

NAYS—Senators

Arthur	Eigel	Holsman	May	Nasheed	Schupp	Sifton
Williams—8						



Absent—Senator O’Laughlin—1

Absent with leave—Senator Wallingford—1

Vacancies—None

On motion of Senator Hegeman, **CCS** for **SS** for **SCS** for **HCS** for **HB 10**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Curls
Emery	Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer
Nasheed	Onder	Riddle	Rizzo	Romine	Rowden	Sater
Schatz	Walsh	White—24				

NAYS—Senators

Arthur	Eigel	Holsman	May	Schupp	Sifton	Wieland
Williams—8						

Absent—Senator O’Laughlin—1

Absent with leave—Senator Wallingford—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 11** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 11

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 11.
2. That the House recede from its position on House Committee Substitute for House Bill No. 11.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 11, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Cody Smith  
/s/ David Wood  
/s/ J. Patterson  
/s/ Deb Lavender  
/s/ Cora Faith Walker

FOR THE SENATE:

/s/ Daniel J. Hegeman  
/s/ Lincoln Hough  
/s/ David Sater  
/s/ S. Kiki Curls  
/s/ Jamilah Nasheed

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Curls
Emery	Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer
Nasheed	Onder	Riddle	Rizzo	Romine	Rowden	Sater
Schatz	Walsh	White	Wieland—25			

NAYS—Senators

Arthur	Eigel	Holsman	May	Schupp	Sifton	Williams—7
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Absent—Senator O’Laughlin—1

Absent with leave—Senator Wallingford—1

Vacancies—None

On motion of Senator Hegeman, **CCS** for **SCS** for **HCS** for **HB 11**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social

Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls	Emery
Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer	Nasheed
Onder	Riddle	Rizzo	Romine	Rowden	Sater	Schatz
Walsh	White—23					

NAYS—Senators

Arthur	Burlison	Eigel	Holsman	May	Schupp	Sifton
Wieland	Williams—9					

Absent—Senator O’Laughlin—1

Absent with leave—Senator Wallingford—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the motion to dissolve the Conference Committee on **SCS** for **HCS** for **HB 13** was adopted. The House has taken up and adopted **SCS** for **HCS** for **HB 13** and has passed **SCS** for **HCS** for **HB 13**.

### PRIVILEGED MOTIONS

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 12** moved that the following conference committee report be taken up, which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 12

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 12, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 12.
2. That the House recede from its position on House Committee Substitute for House Bill No. 12.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 12, be truly agreed to and finally passed.

## FOR THE HOUSE:

/s/ Cody Smith

/s/ David Wood

/s/ Curtis Trent

/s/ Kip Kendrick

/s/ Peter Merideth

## FOR THE SENATE:

/s/ Daniel J. Hegeman

/s/ Lincoln Hough

/s/ David Sater

/s/ John Rizzo

/s/ Jamilah Nasheed

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Curls
Emery	Hegeman	Holsman	Hough	Koenig	Libla	Luetkemeyer
May	Nasheed	Onder	Riddle	Rizzo	Romine	Rowden
Sater	Schatz	Schupp	Sifton	Walsh	White	Wieland

Williams—29

## NAYS—Senators

Arthur	Eigel	Hoskins—3
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Absent—Senator O’Laughlin—1

Absent with leave—Senator Wallingford—1

Vacancies—None

On motion of Senator Hegeman, **CCS** for **SCS** for **HCS** for **HB 12**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 12

An Act to appropriate money for expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees,

for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2019, and ending June 30, 2020.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls	Emery
Hegeman	Holsman	Hough	Koenig	Libla	Luetkemeyer	May
Nasheed	Onder	Riddle	Rizzo	Romine	Rowden	Sater
Schatz	Schupp	Sifton	Walsh	White	Wieland	Williams—28

NAYS—Senators

Arthur	Burlison	Eigel	Hoskins—4
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Absent—Senator O’Laughlin—1

Absent with leave—Senator Wallingford—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### HOUSE BILLS ON THIRD READING

**HCS for HB 17**, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments and offices of state government and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period beginning July 1, 2019, and ending June 30, 2020.

Was taken up by Senator Hegeman.

On motion of Senator Hegeman, **HCS for HB 17** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Walsh	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senator O’Laughlin—1

Absent with leave—Senator Wallingford—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**HCS for HB 18**, entitled:

An Act to appropriate money for the several departments and offices of state government and the several divisions and programs thereof: for the purchase of equipment; for planning, expenses, and for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; for grants, refunds, distributions, planning, expenses, and land improvements; to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the fiscal period beginning July 1, 2019, and ending June 30, 2020.

Was taken up by Senator Hegeman.

On motion of Senator Hegeman, **HCS for HB 18** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Walsh	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senator O’Laughlin—1

Absent with leave—Senator Wallingford—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**HCS for HB 19**, entitled:

An Act to appropriate money for the several departments and offices of state government and the several divisions and programs thereof for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period beginning July 1, 2019, and ending June 30, 2020.

Was taken up by Senator Hegeman.

On motion of Senator Hegeman, **HCS** for **HB 19** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Sifton	Walsh
White	Wieland	Williams—31				

NAYS—Senator Schupp—1

Absent—Senator O’Laughlin—1

Absent with leave—Senator Wallingford—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### INTRODUCTIONS OF GUESTS

Senator Crawford introduced to the Senate, the Physician of the Day, Dr. Wayne Morton, Osceola.

On motion of Senator Rowden, the Senate adjourned until 2:00 p.m., Monday, May 13, 2019.

### SENATE CALENDAR

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SIXTY-SIXTH DAY—MONDAY, MAY 13, 2019

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### FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HCS for HB 420  
HCS for HB 1158

HCS for HB 215  
HB 345-McGill

### THIRD READING OF SENATE BILLS

SCS for SB 465-Burlison (In Fiscal Oversight)

SB 255-Bernskoetter

### SENATE BILLS FOR PERFECTION

1. SB 430-Libla
2. SB 186-Hegeman
3. SB 302-Wallingford
4. SB 347-Burlison
5. SB 439-Brown
6. SB 303-Riddle, with SCS
7. SB 376-Riddle
8. SB 82-Cunningham, with SCS
9. SB 161-Cunningham
10. SB 144-Burlison, with SCS
11. SJR 20-Koenig, with SCS
12. SB 208-Wallingford
13. SB 189-Crawford, with SCS
14. SB 385-Bernskoetter
15. SB 409-Wieland, et al
16. SB 437-Hoskins

17. SB 286-Hough
18. SB 325-Crawford, with SCS
19. SBs 8 & 74-Emery, with SCS
20. SB 386-O'Laughlin, with SCS
21. SB 272-Emery, with SCS
22. SB 265-Luetkemeyer, with SCS
23. SB 135-Sifton, with SCS
24. SB 342-Curls and Nasheed
25. SB 424-Luetkemeyer
26. SB 367-Burlison
27. SB 22-Nasheed, with SCS
28. SJR 25-Libla, with SCS
29. SB 140-Koenig, with SCS
30. SJR 21-May
31. SB 308-Onder

### HOUSE BILLS ON THIRD READING

1. HB 485-Dogan, with SCS (Emery)  
(In Fiscal Oversight)
2. HB 214-Trent (Hough)
3. HCS for HB 1088 (Hoskins)
4. HB 355-Plocher, with SCS (Wallingford)
5. HCS for HB 160, with SCS (White)
6. HB 584-Knight, with SCS (Wallingford)
7. HB 599-Bondon, with SCS (Cunningham)
8. HB 1029-Bondon (Brown)
9. HB 257-Stephens (Sater)

10. HB 563-Wiemann (Wallingford)
11. HCS for HB 266, with SCS (Hoskins)
12. HCS for HB 959, with SCS (Cierpiot)
13. HCS for HB 333, with SCS (Crawford)
14. HB 461-Pfautsch (Brown)
15. HCS for HB 824 (Hoskins)
16. HB 587-Rone (Crawford)
17. HCS for HB 346 (Wallingford)
18. HB 1061-Patterson (Hoskins)
19. HB 470-Grier, with SCS (O'Laughlin)



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| 20. HB 186-Trent, with SCS (Burlison)                          | 41. HB 966-Gregory (Onder)  |
| 21. HCS for HB 466, with SCS (Riddle)<br>(In Fiscal Oversight) | 42. HB 1062-Hansen, with SCS (Hoskins)                              |
| 22. HCS for HB 229, with SCS (Wallingford)                     | 43. HJR 54-Plocher (Walsh) (In Fiscal Oversight)                    |
| 23. HB 646-Rowland (Sater)                                     | 44. HB 191 & HB 873-Kolkmeier, with SCS<br>(Hoskins)                |
| 24. HCS for HBs 161 & 401, with SCS<br>(Cunningham)            | 45. HCS#2 for HB 626 (Brown)<br>(In Fiscal Oversight)               |
| 25. HB 321-Solon (Luetkemeyer)                                 | 46. HCS for HB 207 (White) (In Fiscal Oversight)                    |
| 26. HCS for HB 67, with SCS (Luetkemeyer)                      | 47. HB 756-Pfautsch (Schupp)  |
| 27. HB 240-Schroer, with SCS (Luetkemeyer)                     | 48. HB 83-Hill (O'Laughlin)   |
| 28. HB 337-Swan (Wallingford)                                  | 49. HB 758-Bondon, with SCS (Bernskoetter)<br>(In Fiscal Oversight) |
| 29. HB 267-Baker (Emery)                                       | 50. HCS for HJR 48, 46 & 47 (Rowden)<br>(In Fiscal Oversight)       |
| 30. HB 757-Bondon (Wieland)                                    | 51. HCS for HB 937, with SCS (Wieland)                              |
| 31. HB 942-Wiemann (Brown)                                     | 52. HCS for HB 703, with SCS (Luetkemeyer)                          |
| 32. HB 815-Black (137) (Hough)                                 | 53. HB 761-Pfautsch, with SCS (Cierpiot)                            |
| 33. HB 705-Helms, with SCS (Riddle)                            | 54. HCS for HB 844 (Sater)  |
| 34. HCS for HB 301, with SCS (Burlison)                        | 55. HB 637-Shawan, with SCS (Eigel)                                 |
| 35. HB 600-Bondon (Cunningham)                                 | 56. HB 1237-Fitzwater, with SCS (Bernskoetter)                      |
| 36. HB 943-McGill (Hoskins)                                    | 57. HCS for HB 700, with SCS (Cunningham)                           |
| 37. HB 372-Trent (Wallingford)                                 | 58. HCS for HBs 746 & 722 (Cunningham)                              |
| 38. HCS for HB 438 (Brown)                                     | 59. HCS for HB 842 (Bernskoetter)                                   |
| 39. HCS for HB 1127 (Riddle)                                   |   |
| 40. HCS for HB 400 (White)                                     |   |

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

- |  |  |
|--|--|
| SB 4-Sater   | SBs 46 & 50-Koenig, with SCS, SS for SCS<br>& SA 6 (pending) |
| SB 5-Sater, et al, with SCS  | SB 49-Rowden, with SCS                                       |
| SB 10-Cunningham, with SCS & SA 1<br>(pending)                         | SB 52-Eigel, with SCS  |
| SB 14-Wallingford  | SB 56-Cierpiot, with SCS, SS for SCS &<br>SA 1 (pending)     |
| SB 16-Romine, with SCS, SS for SCS, SA 3<br>& point of order (pending) | SB 57-Cierpiot   |
| SB 19-Libla, with SA 1 (pending)                                       | SB 62-Burlison, with SCS                                     |
| SB 31-Wieland  | SB 65-White, with SS (pending)                               |
| SB 39-Onder  | SB 69-Hough  |
| SB 44-Hoskins, with SCS & SS#3 for SCS<br>(pending)                    | SB 76-Sater, with SCS (pending)                              |
|  | SB 78-Sater  |

SB 97-Hegeman, with SCS  
 SB 100-Riddle, with SS (pending)  
 SB 118-Cierpiot, with SCS  
 SB 132-Emery, with SCS  
 SB 141-Koenig  
 SB 150-Koenig, with SCS  
 SBs 153 & 117-Sifton, with SCS  
 SB 154-Luetkemeyer, with SS & SA 2  
 (pending)  
 SB 155-Luetkemeyer  
 SB 160-Koenig, with SCS, SS for SCS & SA  
 2 (pending)  
 SB 168-Wallingford, with SCS  
 SB 201-Romine  
 SB 205-Arthur, with SCS  
 SB 211-Wallingford  
 SB 222-Hough  
 SB 225-Curls  
 SB 234-White  
 SB 252-Wieland, with SCS  
 SB 259-Romine, with SS & SA 3 (pending)  
 SB 276-Rowden, with SCS  
 SB 278-Wallingford, with SCS  
 SBs 279, 139 & 345-Onder, with SCS,  
 SS for SCS, SA 1 & SA 1 to SA 1 (pending)

SB 292-Eigel, with SCS & SS#2 for SCS  
 (pending)  
 SB 293-Hough, with SCS  
 SB 296-Cierpiot, with SCS  
 SB 298-White, with SCS  
 SB 300-Eigel  
 SB 312-Eigel  
 SB 316-Burlison  
 SB 318-Burlison  
 SB 328-Burlison, with SCS  
 SB 332-Brown  
 SB 336-Schupp  
 SB 343-Eigel, with SCS  
 SB 344-Eigel, with SCS  
 SB 349-O'Laughlin, with SCS  
 SB 350-O'Laughlin  
 SB 354-Cierpiot, with SCS  
 SB 412-Holsman  
 SB 426-Williams  
 SB 431-Schatz, with SCS  
 SJR 1-Sater and Onder, with SS#2 & SA 1  
 (pending)  
 SJR 13-Holsman, with SCS, SS for SCS &  
 SA 1 (pending)  
 SJR 18-Cunningham

#### HOUSE BILLS ON THIRD READING

HB 113-Smith, with SCS (Emery)  
 HB 126-Schroer, with SCS (Koenig)  
 HCS for HB 169, with SCS (Romine)  
 HB 188-Rehder (Luetkemeyer)  
 SS#2 for HB 219-Wood (Sater)  
 (In Fiscal Oversight)  
 HCS for HB 225, with SCS, SS for SCS &  
 SA 1 (pending) (Romine)  
 HCS for HBs 243 & 544, with SCS (Arthur)  
 HCS for HB 255, with SS & SA 5 (pending)  
 (Cierpiot)  
 HB 332-Lynch, with SCS (Wallingford)

SS for SCS for HCS for HB 399 (Hoskins)  
 (In Fiscal Oversight)  
 SCS for HCS for HB 447 (Riddle)  
 (In Fiscal Oversight)  
 HCS for HB 469 (Wallingford)  
 SS for HCS#2 for HB 499 (Schatz)  
 (In Fiscal Oversight)  
 HCS for HB 547, SCS, as amended  
 (Bernskoetter)  
 HCS for HB 564, with SCS (Koenig)  
 HCS for HB 604, with SCS & SS for SCS  
 (pending) (Hoskins)

HCS for HB 678, with SCS (Williams)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 28-Hegeman, with HCS,  
as amended  
SB 36-Riddle, with HCS, as amended  
SB 54-Crawford, with HCS, as amended  
SB 68-Hough, with HCS, as amended

SCS for SB 131-Emery, with HCS, as amended  
SCS for SB 174-Crawford, with HCS,  
as amended  
SS for SB 210-May, with HCS, as amended  
SS for SB 306-White, with HA 1, HA 2 & HA 3

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SB 17-Romine, with HA 1, HA 2, HA 3,  
HA 4 & HA 5  
SB 53-Crawford, with HCS, as amended  
SCS for SB 83-Cunningham, with HA 1 &  
HA 2, as amended  
SB 133-Cunningham, with HCS  
(Senate adopted CCR and passed CCS)  
SCS for SB 147-Sater, with HCS, as amended  
SB 182-Cierpiot, et al, with HCS, as amended

SB 202-Romine, with HCS, as amended  
SS for SCS for SB 230-Crawford, with  
HA 1, HA 2, HA 3, as amended, HA 4,  
HA 5 & HA 6  
SB 368-Hough, with HA 1, HA 2, HA 3,  
HA 4, HA 5, HA 6, HA 7 & HA 8  
(Senate adopted CCR and passed CCS)  
HCS for HB 397, with SS for SCS,  
as amended (Riddle)

RESOLUTIONS

SR 20-Holsman

SR 731-Hoskins

Reported from Committee

SCR 8-Holsman  
SCR 15-Burlison  
SCR 19-Eigel  
SCR 21-May  
SCR 22-Holsman  
SCR 23-Luetkemeyer

SCR 24-Hegeman and Luetkemeyer  
SCR 26-Bernskoetter  
HCR 6-Chipman (Brown)  
HCS for HCR 16 (Hoskins)  
HCR 18-Spencer (Eigel)  
HCR 34-Riggs (Curls)

# Journal of the Senate

FIRST REGULAR SESSION

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**SIXTY-SIXTH DAY—MONDAY, MAY 13, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“From the rising of the sun to its setting the name of the Lord is to be praised.” (Psalm 113:3)

Almighty God, we rejoice in this day You have created. We rejoice in the gift it brings and it is pleasant to see the sun and look to the warmer weather that is promised. Let us use this day to serve You and Your people and help us seek You always and delight in Your presence in our lives. May we walk the path You have laid out for us this week as You would desire us to do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, May 9, 2019 was read in part.

Senator Rowden moved that further reading of the Journal be dispensed with and the same be approved as though having been fully read.

Senator Eigel offered **SA 1**, which was read:

## SENATE AMENDMENT NO. 1

Amend Journal of the Senate for the First Regular Session Thursday, May 9, 2019, Page 1112, Line 1 of said journal page, by inserting after the word “the” the following: “Missouri State”.

Senator Eigel moved that the above amendment be adopted.

Senator Bernskoetter assumed the Chair.

President Kehoe assumed the Chair.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

Senator Cierpiot assumed the Chair.

President Kehoe assumed the Chair.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

At the request of Senator Eigel, **SA 1** was withdrawn.

Senator Eigel offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Journal of the Senate for the First Regular Session Thursday, May 9, 2019, Page 1112, Line 12 of said journal page, by inserting after the word “Flag” the following: “of the United States of America.”

Senator Eigel moved that the above amendment be adopted.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

Senator Riddle assumed the Chair.

Senator Rowden assumed the Chair.

President Kehoe assumed the Chair.

Senator Rowden assumed the Chair.

President Kehoe assumed the Chair.

Senator Brown assumed the Chair.

Senator Hough assumed the Chair.

President Pro Tem Schatz assumed the Chair.

Senator Hough assumed the Chair.

At the request of Senator Eigel, **SA 2** was withdrawn.

Senator Hoskins offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Journal of the Senate for the First Regular Session Monday, May 9, 2019, Page 1112 , Line 5 of said journal page, by inserting after “President” the following “Mike”.

Senator Hoskins moved that the above amendment be adopted.

President Pro Tem Schatz assumed the Chair.

President Kehoe assumed the Chair.

Senator Crawford assumed the Chair.

President Kehoe assumed the Chair.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

Senator Eigel offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Journal of the Senate of the First Regular Session, Thursday, May 9, 2019, Page 1, Line 3 of said amendment, by striking the word “Mike” and inserting in lieu thereof the following: “Michael”.

Senator Eigel moved that the above amendment be adopted.

At the request of Senator Hoskins, **SA 3** was withdrawn, rendering **SA 1** to **SA 3** moot.

Senator Rowden renewed his motion that the Journal be approved, which motion prevailed.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Rowden announced photographers from The Kansas City Star, St. Louis Post Dispatch, KRCG-TV, KMIZ News, KY3/KSPR and KOMU-8 were given permission to take pictures in the Senate Chamber.

**RESOLUTIONS**

Senator Rowden offered Senate Resolution No. 932, regarding Dr. Randall Calvin Floyd, which was adopted.

Senator Williams offered Senate Resolution No. 933, regarding William Crow, University City, which was adopted.

Senator Sifton offered Senate Resolution No. 934, regarding Alexandra “Allee” Marshall, Paw Paw, Illinois, which was adopted.

Senator Sifton offered Senate Resolution No. 935, regarding Katie Vogel, Jefferson City, which was

adopted.

Senator Bernskoetter offered Senate Resolution No. 936, regarding Roman Patten, Jefferson City, which was adopted.

Senator Romine offered Senate Resolution No. 937, regarding Sandra Nickelson, Belleview, which was adopted.

Senator Schupp offered Senate Resolution No. 938, regarding Police Chief Richard F. Knox, Olivette, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 939, regarding the One Hundred and Fifty-fifth Anniversary of The Landmark, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 940, regarding the One Hundred and Seventy-fifth Anniversary of Francis Street First United Methodist Church, St. Joseph, which was adopted.

Senator Cunningham offered Senate Resolution No. 941, regarding Mary Ruth Brooks, Marshfield, which was adopted.

Senator Hoskins offered Senate Resolution No. 942, regarding Cierra Rodenbaugh, Humansville, which was adopted.

Senator Hoskins offered Senate Resolution No. 943, regarding Ciera Smith, Holden, which was adopted.

Senator Romine offered Senate Resolution No. 944, regarding Rebecca Hawthorne, Festus, which was adopted.

Senator Koenig offered Senate Resolution No. 945, regarding Steven L. Mueller, Ballwin, which was adopted.

Senator Crawford offered Senate Resolution No. 946, regarding Paul Campbell, Buffalo, which was adopted.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 147**, as amended. Representatives: Taylor, Eggleston, Roden, Bangert, Rogers.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 202**, as amended. Representatives: Dinkins, Hansen, Shawan, Lavender, McCreery.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1006**, entitled:

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to prohibiting public

entities from contracting with companies discriminating against Israel.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS**, as amended for **SCS** for **HCS** for **HB 192** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 192**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **HB 138** and has taken up and passed **SS** for **HB 138**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 397**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 397**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 391**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 184**.

With House Amendment Nos. 1, 2, 3, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, and House Amendment No. 5.

#### HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 184, Page 1, In the Title, Line 3, by deleting the words “job training” and inserting in lieu thereof the words “workforce development”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 184, Page 18, Section 620.2475, Line 44, by inserting after all of said section and line the following:

**“Section 1. 1. As used in this section , the following terms mean:**

**(1) “Certificate of approval”, a document issued by the department that indicates a qualified company qualifies for a benefit under this section;**



(2) “Department”, the department of economic development;

(3) “Manufacturing capital investment”, expenditures made by a qualified manufacturing company to retool or reconfigure a manufacturing project facility directly related to the manufacturing of a new product or the expansion or modification of the manufacture of an existing product;”

(4) “NAICS”, the same meaning as in section 620.2005;

(5) “New product”, a new model or line of a manufactured good that has not been manufactured in Missouri by a qualified manufacturing company at any time prior to the date of the notice of intent, or an existing brand, model, or line of a manufactured good that is redesigned;

(6) “Project facility”, the same meaning as in section 620.2005;

(7) “Notice of intent”, the same meaning as in section 620.2005;

(8) “Qualified manufacturing company”, a company that:

(a) Is a qualified company that manufactures motor vehicles (NAICS group 3361);

(b) Manufactures goods at a facility in Missouri;

(c) Manufactures a new product or has commenced making a manufacturing capital investment to the project facility necessary for the manufacturing of such new product, or modifies or expands the manufacture of an existing product or has commenced making a manufacturing capital investment for the project facility necessary for the modification or expansion of the manufacture of such existing product; and

(d) Continues to satisfy the requirements of paragraphs (a) to (c) of this subdivision for the project period;

2. The department may award tax credits against the company’s state tax liability to a qualified manufacturing company that makes a manufacturing capital investment of at least five hundred million dollars. The department shall issue the credits no later than three years after the execution of an agreement that satisfies the requirements of subsection 9 of this section. However, the tax credits shall be issued no earlier than January 1, 2023, and may be issued each year for a period of five years. A qualified manufacturing company may qualify for an additional five-year period under this subsection if it makes an additional manufacturing capital investment of at least two hundred fifty million dollars within five years of the certificate of approval.

3. The maximum amount of tax credits that any one qualified manufacturing company may receive under this subsection shall not exceed five million dollars per calendar year. The aggregate amount of tax credits awarded to all qualified manufacturing companies under this subsection shall not exceed ten million dollars per calendar year.

4. The company shall immediately cease receiving any benefit awarded under this section for the remainder of the project period and shall forfeit all rights to retain or receive any benefit awarded under this section for the remainder of such period if, at the project facility at any time during the project period, the qualified manufacturing company:

(1) Discontinues the manufacturing of the new product and does not replace it with a subsequent

or additional new product or with a modification or expansion of an existing product;

(2) Discontinues the modification or expansion of an existing product and does not replace it with a new product or a modification or expansion of another existing product; or

(3) Fails to retain ninety percent of the amount of employees employed on the date of the execution of the agreement that meets the requirements of subsection 9 of this section.

5. Notwithstanding any other provision of law to the contrary, any qualified manufacturing company that is awarded benefits under this section shall not simultaneously receive tax credits or exemption under chapter 100, 135, or 620 for the jobs created or retained or capital improvement that qualified for benefits under this section. Subsection 5 of section 285.530 shall not apply to qualified manufacturing companies which are awarded credits under this section.

6. In determining the amount of tax credits to award to a qualified manufacturing company this section, the department shall consider the following factors:

(1) The extent of the qualified company's need for program benefits;

(2) The projected net fiscal benefit to the state if the benefit is awarded and the period in which the net fiscal benefit would occur;

(3) The overall size and quality of the proposed project, including the number of new jobs, new capital investment, manufacturing capital investment, proposed wages, growth potential of the qualified company, potential multiplier effect of the project, and other similar factors;

(4) The financial stability and creditworthiness of the qualified company;

(5) The level of economic distress in the area;

(6) An evaluation of the competitiveness of alternative locations for the project facility, as applicable; and

(7) The percent of local incentives committed.

7. A company may request an opinion from the department on whether it would qualify for a benefit under this section by submitting a written request to the department. The department shall respond to a written request within five business days of such request. The department's response shall contain either a proposal of benefits for the qualified manufacturing company, or a written response refusing to provide such a proposal and stating the reasons for such refusal.

8. A company that intends to seek benefits under the program shall submit to the department a notice of intent. The department may approve the notice of intent by issuing a certificate of approval or reject the notice of intent and inform the company of its action within thirty days. However, that the department may withhold approval or provide a contingent approval if it does not have sufficient documentation to determine eligibility. Failure to respond shall result in the notice of intent being deemed approved.

9. Upon issuing a certificate of approval, the department and the qualified manufacturing company shall enter into a written agreement that covers the applicable project period that memorializes the notice of intent, the requirements of this section, and the consequences for failing to satisfy such requirements. The agreement shall specify, at a minimum:

**(1) The manufacturing capital investment and committed percentage of retained jobs for each year during the project period;**

**(2) The date or time period during which the tax credits shall be issued, consistent with subsection 2 of this section;**

**(3) Clawback provisions, as may be required by the department;**

**(4) Financial guarantee provisions as may be required by the department, provided that financial guarantee provisions shall be required by the department for tax credits awarded under this section;**

**(5) If the amount of capital investment made by the qualified manufacturing company is not made within the two-year period provided for such investment, the qualified manufacturing company shall immediately forfeit all rights to retain or receive any benefit awarded under this section; and**

**(6) Any other provisions the department may require.**

**10. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.**

**11. Prior to March first each year, the department shall provide a report to the general assembly including the names of participating qualified manufacturing companies the annual amount of benefits provided, the estimated net state fiscal impact including direct and indirect new state taxes derived, and the number of new jobs created or jobs retained.**

**12. Under section 23.253 of the Missouri sunset act:**

**(1) The provisions of the program authorized under this section shall be authorized as of August 28, 2019, and shall expire on December 31, 2031; and**

**(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and**

**(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and**

**(4) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits."; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 184, Page 1, Section A, Line 3, by inserting after said section and line the following:

“135.100. As used in sections 135.100 to 135.150 the following terms shall mean:

(1) “Commencement of commercial operations” shall be deemed to occur during the first [taxable] **tax** year for which the new business facility is first available for use by the taxpayer, or first capable of being used by the taxpayer, in the revenue-producing enterprise in which the taxpayer intends to use the new business facility;

(2) “Existing business facility”, any facility in this state which was employed by the taxpayer claiming the credit in the operation of a revenue-producing enterprise immediately prior to an expansion, acquisition, addition, or replacement;

(3) “Facility”, any building used as a revenue-producing enterprise located within the state, including the land on which the facility is located and all machinery, equipment and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(4) “NAICS”, the North American Industrial Classification System as such classifications are defined in the 2007 edition of the North American Industrial Classification System;

(5) “New business facility”, a facility which satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of a revenue-producing enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer’s only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of a revenue-producing enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of a revenue-producing enterprise, the portion employed by the taxpayer in the operation of a revenue-producing enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), (d) and (e) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 1983. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 1983, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 1983, or, if the facility is constructed, erected or installed by or on behalf of the taxpayer, such construction, erection or installation is commenced after December 31, 1983;

(c) If such facility was acquired by the taxpayer from another person or persons and such facility was employed immediately prior to the transfer of title to such facility to the taxpayer, or to the commencement of the term of the lease of such facility to the taxpayer, by any other person or persons in the operation of a revenue-producing enterprise, the operation of the same or a substantially similar revenue-producing enterprise is not continued by the taxpayer at such facility;

(d) Such facility is not a replacement business facility, as defined in subdivision (11) of this section; and

(e) The new business facility investment exceeds one hundred thousand dollars during the tax period in which the credits are claimed;

(6) “New business facility employee”, a person employed by the taxpayer in the operation of a new business facility during the [taxable] **tax** year for which the credit allowed by section 135.110 is claimed,

except that truck drivers and rail and barge vehicle operators shall not constitute new business facility employees. A person shall be deemed to be so employed if such person performs duties in connection with the operation of the new business facility on:

(a) A regular, full-time basis; or

(b) A part-time basis, provided such person is customarily performing such duties an average of at least twenty hours per week; or

(c) A seasonal basis, provided such person performs such duties for at least eighty percent of the season customary for the position in which such person is employed;

(7) “New business facility income”, the Missouri taxable income, as defined in chapter 143, derived by the taxpayer from the operation of the new business facility. For the purpose of apportionment as prescribed in this subdivision, the term “Missouri taxable income” means, in the case of insurance companies, direct premiums as defined in chapter 148. If a taxpayer has income derived from the operation of a new business facility as well as from other activities conducted within this state, the Missouri taxable income derived by the taxpayer from the operation of the new business facility shall be determined by multiplying the taxpayer’s Missouri taxable income, computed in accordance with chapter 143, or in the case of an insurance company, computed in accordance with chapter 148, by a fraction, the numerator of which is the property factor, as defined in paragraph (a) of this subdivision, plus the payroll factor, as defined in paragraph (b) of this subdivision, and the denominator of which is two:

(a) The property factor is a fraction, the numerator of which is the new business facility investment certified for the tax period, and the denominator of which is the average value of all the taxpayer’s real and depreciable tangible personal property owned or rented and used in this state during the tax period. The average value of all such property shall be determined as provided in chapter 32;

(b) The payroll factor is a fraction, the numerator of which is the total amount paid during the tax period by the taxpayer for compensation to persons qualifying as new business facility employees, as determined by subsection 4 of section 135.110, at the new business facility, and the denominator of which is the total amount paid in this state during the tax period by the taxpayer for compensation. The compensation paid in this state shall be determined as provided in chapter 32. For the purpose of this subdivision, “other activities conducted within this state” shall include activities previously conducted at the expanded, acquired or replaced facility at any time during the tax period immediately prior to the tax period in which commencement of commercial operations occurred;

(8) “New business facility investment”, the value of [real and depreciable tangible personal] property, acquired by the taxpayer as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the [taxable] tax year for which the credit allowed by section 135.110 is claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft, and other rolling stock for hire, track, switches, barges, bridges, tunnels, and rail yards and spurs shall not constitute new business facility investments. **For the purposes of sections 135.100 to 135.150, property may be acquired by the taxpayer by purchase, lease, or license, including the right to use software and hardware via on-demand network access to a shared pool of configurable computing resources as long as the rights are used at the new business facility.** The total value of such property during such [taxable] tax year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate **or license**, if leased **or licensed** by the taxpayer. The net annual rental **or license** rate shall be the annual rental **or license** rate paid by the taxpayer less any annual rental **or license** rate received by the taxpayer from subrentals **or sublicenses**. The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the [taxable] **tax** year. If the new business facility is in operation for less than an entire [taxable] **tax** year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such [taxable] **tax** year during which the new business facility was in operation by the number of full calendar months during such period;

(9) “Office”, a regional, national, or international headquarters, a telemarketing operation, a computer operation, an insurance company, a passenger transportation ticket/reservation system, or a credit card billing and processing center. For the purposes of this subdivision, “headquarters” means the administrative management of at least four integrated facilities operated by the taxpayer or related taxpayer. An office, as defined in this subdivision, when established must create and maintain positions for a minimum number of twenty-five new business facility employees as defined in subdivision (6) of this section;

(10) “Related taxpayer” shall mean:

(a) A corporation, partnership, trust, or association controlled by the taxpayer;

(b) An individual, corporation, partnership, trust, or association in control of the taxpayer; or

(c) A corporation, partnership, trust, or association controlled by an individual, corporation, partnership, trust, or association in control of the taxpayer. For the purposes of sections 135.100 to 135.150, “control of a corporation” shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote; “control of a partnership or association” shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association; and “control of a trust” shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in Section 318 of the U.S. Internal Revenue Code;

(11) “Replacement business facility”, a facility otherwise described in subdivision (3) of this section, hereafter referred to in this subdivision as “new facility”, which replaces another facility, hereafter referred to in this subdivision as “old facility”, located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first [taxable] **tax** year in which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer’s or related taxpayer’s [taxable] **tax** period immediately preceding the [taxable] **tax** year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of a revenue-producing enterprise and the taxpayer continues the operation of the same or substantially similar revenue-producing enterprise at the new facility.

Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a

replacement business facility if the taxpayer's new business facility investment, as computed in subsection 5 of section 135.110, in the new facility during the tax period in which the credits allowed in sections 135.110, 135.225, and 135.235 and the exemption allowed in section 135.220 are claimed exceed one million dollars or, if less, two hundred percent of the investment in the old facility by the taxpayer or related taxpayer, and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two except that the total number of employees at the new facility exceeds the total number of employees at the old facility by at least twenty-five if an office as defined in subdivision (9) of this section is established by a revenue-producing enterprise other than a revenue-producing enterprise defined in paragraphs (a) to (g) and (i) to (l) of subdivision (12) of this section;

(12) "Revenue-producing enterprise" means:

- (a) Manufacturing activities classified as NAICS 31-33;
- (b) Agricultural activities classified as NAICS 11;
- (c) Rail transportation terminal activities classified as NAICS 482;
- (d) Motor freight transportation terminal activities classified as NAICS 484 and NAICS 4884;
- (e) Public warehousing and storage activities classified as NAICS 493, miniwarehouse warehousing and warehousing self-storage;
- (f) Water transportation terminal activities classified as NAICS 4832;
- (g) Airports, flying fields, and airport terminal services classified as NAICS 481;
- (h) Wholesale trade activities classified as NAICS 42;
- (i) Insurance carriers activities classified as NAICS 524;
- (j) Research and development activities classified as NAICS 5417;
- (k) Farm implement dealer activities classified as NAICS 42382;
- (l) Interexchange telecommunications services as defined in subdivision (20) of section 386.020 or training activities conducted by an interexchange telecommunications company as defined in subdivision (19) of section 386.020;
- (m) Recycling activities classified as NAICS 42393;
- (n) Office activities as defined in subdivision (9) of this section, notwithstanding NAICS classification;
- (o) Mining activities classified as NAICS 21;
- (p) Computer programming, data processing, and other computer-related activities classified as NAICS 5415;
- (q) The administrative management of any of the foregoing activities; or
- (r) Any combination of any of the foregoing activities;

(13) "Same or substantially similar revenue-producing enterprise", a revenue-producing enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed, or conducted in the same or similar manner as in another revenue-

producing enterprise;

(14) “Taxpayer”, an individual proprietorship, corporation described in section 143.441 or 143.471, and partnership or an insurance company subject to the tax imposed by chapter 148, or in the case of an insurance company exempt from the thirty-percent employee requirement of section 135.230, to any obligation imposed [pursuant to] **under** section 375.916.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to Senate Committee Substitute for Senate Bill No. 184, Page 2, Lines 9-12 by deleting all of said lines and renumbering subsequent subdivisions accordingly; and

Further amend said amendment, Page 6, Lines 17-27, by deleting all of said lines and inserting in lieu thereof the following:

“4. The department may withhold the approval of any benefits under this program until it is satisfied that proper documentation has been provided, and shall reduce the benefits to reflect any reduction in full-time employees or payroll. Upon approval by the department, the qualified company may begin the retention of the withholding taxes when it reaches the required number of jobs and the average wage meets or exceeds the applicable percentage of county average wage. Tax credits, if any, may be issued upon satisfaction by the department that the qualified company has exceeded the applicable percentage of county average wage and the required number of jobs.”; and

Further amend said amendment, Page 6, Lines 38-49, Page 7, Lines 1-49, Page 8, Lines 1-49, and Page 9, Lines 1-14, by deleting all of said lines and inserting in lieu thereof the following:

“7. The maximum amount of tax credits that may be authorized under this program for any fiscal year shall be limited as follows, less the amount of any tax credits previously obligated for that fiscal year under any of the tax credit programs referenced in subsection 13 of this section:

(1) For the fiscal year beginning on July 1, 2013, but ending on or before June 30, 2014, no more than one hundred six million dollars in tax credits may be authorized;

(2) For the fiscal year beginning on July 1, 2014, but ending on or before June 30, 2015, no more than one hundred eleven million dollars in tax credits may be authorized; and

(3) For any fiscal year beginning on or after July 1, 2015, no more than one hundred sixteen million dollars in tax credits may be authorized for each fiscal year.

8. For tax credits for the creation of new jobs under section 620.2010, the department shall allocate the annual tax credits based on the date of the approval, reserving such tax credits based on the department’s best estimate of new jobs and new payroll of the project, and any other applicable factors in determining the amount of benefits available to the qualified company under this program. However, the annual issuance of tax credits shall be subject to annual verification of actual payroll by the department. Any authorization of tax credits shall expire if, within two years from the date of commencement of operations, or approval if applicable, the qualified company has failed to meet the applicable minimum job requirements. The qualified company may retain authorized amounts from the withholding tax under the project once the applicable minimum job requirements have been met for the duration of the project period. No benefits shall



be provided under this program until the qualified company meets the applicable minimum new job requirements. In the event the qualified company does not meet the applicable minimum new job requirements, the qualified company may submit a new notice of intent or the department may provide a new approval for a new project of the qualified company at the project facility or other facilities.

9. Tax credits provided under this program may be claimed against taxes otherwise imposed by chapters 143 and 148, and may not be carried forward, but shall be claimed within one year of the close of the taxable year for which they were issued. Tax credits provided under this program may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. For a qualified company with flow-through tax treatment to its members, partners, or shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the qualified company's tax period.

10. Prior to the issuance of tax credits or the qualified company beginning to retain withholding taxes, the department shall verify through the department of revenue and any other applicable state department that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes or other fees. Such delinquency shall not affect the approval, except that any tax credits issued shall be first applied to the delinquency and any amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue, the department of insurance, financial institutions and professional registration, or any other state department concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

11. The director of revenue shall issue a refund to the qualified company to the extent that the amount of tax credits allowed under this program exceeds the amount of the qualified company's tax liability under chapter 143 or 148.

12. An employee of a qualified company shall receive full credit for the amount of tax withheld as provided in section 143.211.

13. Notwithstanding any provision of law to the contrary, beginning August 28, 2013, no new benefits shall be authorized for any project that had not received from the department a proposal or approval for such benefits prior to August 28, 2013, under the development tax credit program created under sections 32.100 to 32.125, the rebuilding communities tax credit program created under section 135.535, the enhanced enterprise zone tax credit program created under sections 135.950 to 135.973, and the Missouri quality jobs program created under sections 620.1875 to 620.1890. The provisions of this subsection shall not be construed to limit or impair the ability of any administering agency to authorize or issue benefits for any project that had received an approval or a proposal from the department under any of the programs referenced in this subsection prior to August 28, 2013, or the ability of any taxpayer to redeem any such tax

credits or to retain any withholding tax under an approval issued prior to that date. The provisions of this subsection shall not be construed to limit or in any way impair the ability of any governing authority to provide any local abatement or designate a new zone under the enhanced enterprise zone program created by sections 135.950 to 135.963. Notwithstanding any provision of law to the contrary, no qualified company that is awarded benefits under this program shall:

(1) Simultaneously receive benefits under the programs referenced in this subsection at the same capital investment; or

(2) Receive benefits under the provisions of section 620.1910 for the same jobs.

14. If any provision of sections 620.2000 to 620.2020 or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of these sections which can be given effect without the invalid provisions or application, and to this end, the provisions of sections 620.2000 to 620.2020 are hereby declared severable.

15. By no later than January 1, 2014, and the first day of each calendar quarter thereafter, the department shall present a quarterly report to the general assembly detailing the benefits authorized under this program during the immediately preceding calendar quarter to the extent such information may be disclosed under state and federal law. The report shall include, at a minimum:

(1) A list of all approved and disapproved applicants for each tax credit;

(2) A list of the aggregate amount of new or retained jobs that are directly attributable to the tax credits authorized;

(3) A statement of the aggregate amount of new capital investment directly attributable to the tax credits authorized;

(4) Documentation of the estimated net state fiscal benefit for each authorized project and, to the extent available, the actual benefit realized upon completion of such project or activity; and

(5) The department's response time for each request for a proposed benefit award under this program.

16. The department may adopt such rules, statements of policy, procedures, forms, and guidelines as may be necessary to carry out the provisions of sections 620.2000 to 620.2020. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

17. Under section 23.253 of the Missouri sunset act:"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 184, Page 7, Section 620.803, Line 28, by inserting after the word "**created**," the following:

**"the potential number of new minority jobs created,"**; and

Further amend said bill, Page 17, Section 620.809, Line 253, by inserting after said section and line the following:

620.2005. As used in sections 620.2000 to 620.2020, the following terms mean:

(1) “Average wage”, the new payroll divided by the number of new jobs, or the payroll of the retained jobs divided by the number of retained jobs;

(2) “Commencement of operations”, the starting date for the qualified company’s first new employee, which shall be no later than twelve months from the date of the approval;

**(3) “Contractor”, a person, employer, or business entity that enters into an agreement to perform any service or work or to provide a certain product in exchange for valuable consideration. This definition shall include but not be limited to a general contractor, subcontractor, independent contractor, contract employee, project manager, or a recruiting or staffing entity;**

[(3)] (4) “County average wage”, the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any qualified company that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, the company shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

[(4)] (5) “Department”, the Missouri department of economic development;

[(5)] (6) “Director”, the director of the department of economic development;

[(6)] (7) “Employee”, a person employed by a qualified company, excluding:

(a) Owners of the qualified company unless the qualified company is participating in an employee stock ownership plan; or

(b) Owners of a noncontrolling interest in stock of a qualified company that is publicly traded;

[(7)] (8) “Existing Missouri business”, a qualified company that, for the ten-year period preceding submission of a notice of intent to the department, had a physical location in Missouri and full-time employees who routinely perform job duties within Missouri;

[(8)] (9) “Full-time employee”, an employee of the qualified company that is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one for which the qualified company offers health insurance and pays at least fifty percent of such insurance premiums. An employee that spends less than fifty percent of the employee’s work time at the facility shall be considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility’s payroll, one hundred percent of the employee’s income from such employment is Missouri income, and the employee is paid at or above the applicable percentage of the county average wage;

**(9)(10) “Infrastructure projects”, highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks, storm water and drainage systems, broadband internet infrastructure, and any other similar public improvements, but in no**

**case shall infrastructure projects include private structures;**

[(10)] (11) “Local incentives”, the present value of the dollar amount of direct benefit received by a qualified company for a project facility from one or more local political subdivisions, but this term shall not include loans or other funds provided to the qualified company that shall be repaid by the qualified company to the political subdivision;

[(10)] (12) “NAICS” or “NAICS industry classification”, the classification provided by the most recent edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget;

[(11)] (13) “New capital investment”, shall include costs incurred by the qualified company at the project facility after acceptance by the qualified company of the proposal for benefits from the department or the approval notice of intent, whichever occurs first, for real or personal property, and may include the value of finance or capital leases for real or personal property for the term of such lease at the project facility executed after acceptance by the qualified company of the proposal for benefits from the department or the approval of the notice of intent;

[(12)] (14) “New direct local revenue”, the present value of the dollar amount of direct net new tax revenues of the local political subdivisions likely to be produced by the project over a ten-year period as calculated by the department, excluding local earnings tax, and net new utility revenues, provided the local incentives include a discount or other direct incentives from utilities owned or operated by the political subdivision;

[(13)] (15) “New job”, the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job;

[(14)] (16) “New payroll”, the amount of wages paid for all new jobs, located at the project facility during the qualified company’s tax year that exceeds the project facility base payroll;

[(15)] (17) “Notice of intent”, a form developed by the department and available online, completed by the qualified company, and submitted to the department stating the qualified company’s intent to request benefits under this program. **The notice of intent shall be accompanied with a detailed plan by the qualifying company to make good faith efforts to employ, at a minimum, commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, the following: racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census. At a minimum, such plan shall include monitoring the effectiveness of outreach and recruitment strategies in attracting diverse applicants and linking with different or additional referral sources in the event that recruitment efforts fail to produce a diverse pipeline of applicants;**

[(16)] (18) “Percent of local incentives”, the amount of local incentives divided by the amount of new direct local revenue;

[(17)] (19) “Program”, the Missouri works program established in sections 620.2000 to 620.2020;

[(18)] (20) “Project facility”, the building or buildings used by a qualified company at which new or

retained jobs and any new capital investment are or will be located. A project facility may include separate buildings located within sixty miles of each other such that their purpose and operations are interrelated; provided that where the buildings making up the project facility are not located within the same county, the average wage of the new payroll shall exceed the applicable percentage of the highest county average wage among the counties in which the buildings are located. Upon approval by the department, a subsequent project facility may be designated if the qualified company demonstrates a need to relocate to the subsequent project facility at any time during the project period;

[(19)] **(21)** “Project facility base employment”, the greater of the number of full-time employees located at the project facility on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the notice of intent;

[(20)] **(22)** “Project facility base payroll”, the annualized payroll for the project facility base employment or the total amount of wages paid by the qualified company to full-time employees of the qualified company located at the project facility in the twelve months prior to the notice of intent. For purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on an appropriate measure, as determined by the department;

[(21)] **(23)** “Project period”, the time period within which benefits are awarded to a qualified company or within which the qualified company is obligated to perform under an agreement with the department, whichever is greater;

[(22)] **(24)** “Projected net fiscal benefit”, the total fiscal benefit to the state less any state benefits offered to the qualified company, as determined by the department;

[(23)] **(25)** “Qualified company”, a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, certifies that it offers health insurance to all full-time employees of all facilities located in this state, and certifies that it pays at least fifty percent of such insurance premiums. For the purposes of sections 620.2000 to 620.2020, the term “qualified company” shall not include:

(a) Gambling establishments (NAICS industry group 7132);

(b) Store front consumer-based retail trade establishments (under NAICS sectors 44 and 45), except with respect to any company headquartered in this state with a majority of its full-time employees engaged in operations not within the NAICS codes specified in this subdivision;

(c) Food and drinking places (NAICS subsector 722);

(d) Public utilities (NAICS 221 including water and sewer services);

(e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;

(f) Any company requesting benefits for retained jobs that has filed for or has publicly announced its intention to file for bankruptcy protection. However, a company that has filed for or has publicly announced its intention to file for bankruptcy may be a qualified company provided that such company:

a. Certifies to the department that it plans to reorganize and not to liquidate; and

b. After its bankruptcy petition has been filed, it produces proof, in a form and at times satisfactory to the department, that it is not delinquent in filing any tax returns or making any payment due to the state of Missouri, including but not limited to all tax payments due after the filing of the bankruptcy petition and under the terms of the plan of reorganization. Any taxpayer who is awarded benefits under this subsection and who files for bankruptcy under Chapter 7 of the United States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the department and shall forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained;

(g) Educational services (NAICS sector 61);

(h) Religious organizations (NAICS industry group 8131);

(i) Public administration (NAICS sector 92);

(j) Ethanol distillation or production;

(k) Biodiesel production; or

(l) Health care and social services (NAICS sector 62).

Notwithstanding any provision of this section to the contrary, the headquarters, administrative offices, or research and development facilities of an otherwise excluded business may qualify for benefits if the offices or facilities serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the jobs and investment of such operation shall be considered eligible for benefits under this section if the other requirements are satisfied;

**[(24)] (26)** “Related company”, shall mean:

(a) A corporation, partnership, trust, or association controlled by the qualified company;

(b) An individual, corporation, partnership, trust, or association in control of the qualified company; or

(c) Corporations, partnerships, trusts or associations controlled by an individual, corporation, partnership, trust, or association in control of the qualified company. As used in this paragraph, “control of a qualified company” shall mean:

a. Ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote in the case of a qualified company that is a corporation;

b. Ownership of at least fifty percent of the capital or profits interest in such qualified company if it is a partnership or association;

c. Ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such qualified company if it is a trust, and ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

**[(25)] (27)** “Related facility”, a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility or in which operations substantially similar to the operations of the project facility are performed;

**[(26)] (28)** “Related facility base employment”, the greater of the number of full-time employees located at all related facilities on the date of the notice of intent or, for the twelve-month period prior to the date of

the notice of intent, the average number of full-time employees located at all related facilities of the qualified company or a related company located in this state;

[(27)] (29) “Related facility base payroll”, the annualized payroll of the related facility base payroll or the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at a related facility in the twelve months prior to the filing of the notice of intent. For purposes of calculating the benefits under this program, the amount of related facility base payroll shall increase each year based on an appropriate measure, as determined by the department;

[(28)] (30) “Rural area”, a county in Missouri with a population less than seventy-five thousand or that does not contain an individual city with a population greater than fifty thousand according to the most recent federal decennial census;

[(29)] (31) “Tax credits”, tax credits issued by the department to offset the state taxes imposed by chapters 143 and 148, or which may be sold or refunded as provided for in this program;

[(30)] (32) “Withholding tax”, the state tax imposed by sections 143.191 to 143.265. For purposes of this program, the withholding tax shall be computed using a schedule as determined by the department based on average wages; and

[(31)] (33) This section is subject to the provisions of section 196.1127.

620.2020. 1. The department shall respond to a written request, by or on behalf of a qualified company, for a proposed benefit award under the provisions of this program within five business days of receipt of such request. Such response shall contain either a proposal of benefits for the qualified company, or a written response refusing to provide such a proposal and stating the reasons for such refusal. A qualified company that intends to seek benefits under the program shall submit to the department a notice of intent. The department shall respond within thirty days to a notice of intent with an approval or a rejection, provided that the department may withhold approval or provide a contingent approval until it is satisfied that proper documentation of eligibility has been provided. **The department shall certify or reject the qualifying company’s plan outlined in their notice of intent as satisfying good faith efforts made to employ, at a minimum, commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, the following: racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census.** Failure to respond on behalf of the department shall result in the notice of intent being deemed approved. A qualified company receiving approval for program benefits may receive additional benefits for subsequent new jobs at the same facility after the full initial project period if the applicable minimum job requirements are met. There shall be no limit on the number of project periods a qualified company may participate in the program, and a qualified company may elect to file a notice of intent to begin a new project period concurrent with an existing project period if the applicable minimum job requirements are achieved, the qualified company provides the department with the required annual reporting, and the qualified company is in compliance with this program and any other state programs in which the qualified company is currently or has previously participated. However, the qualified company shall not receive any further program benefits under the original approval for any new jobs created after the date of the new notice of intent, and any jobs created before the new notice of intent shall not be included as new jobs for purposes of the benefit calculation for the new approval. When a qualified company has filed and received approval of a notice of intent and subsequently files another notice of intent, the

department shall apply the definition of project facility under subdivision (19) of section 620.2005 to the new notice of intent as well as all previously approved notices of intent and shall determine the application of the definitions of new job, new payroll, project facility base employment, and project facility base payroll accordingly.

2. Notwithstanding any provision of law to the contrary, the benefits available to the qualified company under any other state programs for which the company is eligible and which utilize withholding tax from the new or retained jobs of the company shall first be credited to the other state program before the withholding retention level applicable under this program will begin to accrue. If any qualified company also participates in a job training program utilizing withholding tax, the company shall retain no withholding tax under this program, but the department shall issue a refundable tax credit for the full amount of benefit allowed under this program. The calendar year annual maximum amount of tax credits which may be issued to a qualifying company that also participates in a job training program shall be increased by an amount equivalent to the withholding tax retained by that company under a jobs training program.

3. A qualified company receiving benefits under this program shall provide an annual report of the number of jobs, **along with minority jobs created or retained**, and such other information as may be required by the department to document the basis for program benefits available no later than ninety days prior to the end of the qualified company's tax year immediately following the tax year for which the benefits provided under the program are attributed. In such annual report, if the average wage is below the applicable percentage of the county average wage, the qualified company has not maintained the employee insurance as required, **if the department after a review determines the qualifying company fails to satisfy other aspects of their notice of intent, including failure to make good faith efforts to employ, at a minimum, commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, the following: racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census**, or if the number of jobs is below the number required, the qualified company shall not receive tax credits or retain the withholding tax for the balance of the project period. Failure to timely file the annual report required under this section shall result in the forfeiture of tax credits attributable to the year for which the reporting was required and a recapture of withholding taxes retained by the qualified company during such year.

4. The department may withhold the approval of any benefits under this program until it is satisfied that proper documentation has been provided, and shall reduce the benefits to reflect any reduction in full-time employees or payroll. Upon approval by the department, the qualified company may begin the retention of the withholding taxes when it reaches the required number of jobs and the average wage meets or exceeds the applicable percentage of county average wage. Tax credits, if any, may be issued upon satisfaction by the department that the qualified company has exceeded the applicable percentage of county average wage and the required number of jobs; **provided that, tax credits awarded under subsection 6 of section 620.2010 may be issued following the qualified company's acceptance of the department's proposal and pursuant to the requirements set forth in the written agreement between the department and the qualified company under subsection 3 of section 620.2010.**

5. Any qualified company approved for benefits under this program shall provide to the department, upon request, any and all information and records reasonably required to monitor compliance with program requirements. This program shall be considered a business recruitment tax credit under subdivision (4) of



subsection 2 of section 135.800, and any qualified company approved for benefits under this program shall be subject to the provisions of sections 135.800 to 135.830.

6. Any taxpayer who is awarded benefits under this program who knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained.

7. **(1)** The maximum amount of tax credits that may be authorized under this program for any fiscal year shall be limited as follows, less the amount of any tax credits previously obligated for that fiscal year under any of the tax credit programs referenced in subsection [13] **14** of this section:

[1] **(a)** For the fiscal year beginning on July 1, 2013, but ending on or before June 30, 2014, no more than one hundred six million dollars in tax credits may be authorized;

[2] **(b)** For the fiscal year beginning on July 1, 2014, but ending on or before June 30, 2015, no more than one hundred eleven million dollars in tax credits may be authorized; [and]

[3] **(c)** For [any] **the** fiscal year beginning on or after July 1, 2015, **but ending on or before June 30, 2020**, no more than one hundred sixteen million dollars in tax credits may be authorized for each fiscal year; **and**

**(d) For all fiscal years beginning on or after July 1, 2020, no more than one hundred six million dollars in tax credits may be authorized for each fiscal year. The provisions of this paragraph shall not apply to tax credits issued to qualified companies under a notice of intent filed prior to July 1, 2020.**

**(2) For all fiscal years beginning on or after July 1, 2020, in addition to the amount of tax credits that may be authorized under paragraph (d) of subdivision (1) of this subsection, an additional ten million dollars in tax credits may be authorized for each fiscal year, provided that such tax credits shall only be authorized for the purpose of the completion of infrastructure projects directly connected with the creation or retention of jobs under the provisions of sections 620.2000 to 620.2020.**

8. **For all fiscal years beginning on or after July 1, 2020, the maximum total amount of withholding tax that may be authorized for retention under the provisions of sections 620.2000 to 620.2020 by qualified companies with a project facility base employment of at least fifty shall not exceed seventy-five million dollars for each fiscal year. The provisions of this subsection shall not apply to withholding tax authorized for retention by qualified companies with a project facility base employment of less than fifty.**

9. For tax credits for the creation of new jobs under section 620.2010, the department shall allocate the annual tax credits based on the date of the approval, reserving such tax credits based on the department's best estimate of new jobs and new payroll of the project, and any other applicable factors in determining the amount of benefits available to the qualified company under this program; **provided that, the department may reserve up to twenty-one and one-half percent of the maximum annual amount of tax credits that may be authorized under subsection 7 of this section for award under subsection 6 of section 620.2010.** However, the annual issuance of tax credits shall be subject to annual verification of actual payroll by the department. Any authorization of tax credits shall expire if, within two years from the date of commencement of operations, or approval if applicable, the qualified company has failed to meet the applicable minimum job requirements. The qualified company may retain authorized amounts from the withholding tax under the project once the applicable minimum job requirements have been met for the

duration of the project period. No benefits shall be provided under this program until the qualified company meets the applicable minimum new job requirements **or, for benefits awarded under subsection 6 of section 620.2010, until the qualified company has satisfied the requirements set forth in the written agreement between the department and the qualified company under subsection 3 of section 620.2010.** In the event the qualified company does not meet the applicable minimum new job requirements, the qualified company may submit a new notice of intent or the department may provide a new approval for a new project of the qualified company at the project facility or other facilities.

[9.] **10.** Tax credits provided under this program may be claimed against taxes otherwise imposed by chapters 143 and 148, and may not be carried forward, but shall be claimed within one year of the close of the taxable year for which they were issued. Tax credits provided under this program may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. For a qualified company with flow-through tax treatment to its members, partners, or shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the qualified company's tax period.

[10.] **11.** Prior to the issuance of tax credits or the qualified company beginning to retain withholding taxes, the department shall verify through the department of revenue and any other applicable state department that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes or other fees. Such delinquency shall not affect the approval, except that any tax credits issued shall be first applied to the delinquency and any amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue, the department of insurance, financial institutions and professional registration, or any other state department concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

[11.] **12.** The director of revenue shall issue a refund to the qualified company to the extent that the amount of tax credits allowed under this program exceeds the amount of the qualified company's tax liability under chapter 143 or 148.

[12.] **13.** An employee of a qualified company shall receive full credit for the amount of tax withheld as provided in section 143.211.

[13.] **14.** Notwithstanding any provision of law to the contrary, beginning August 28, 2013, no new benefits shall be authorized for any project that had not received from the department a proposal or approval for such benefits prior to August 28, 2013, under the development tax credit program created under sections 32.100 to 32.125, the rebuilding communities tax credit program created under section 135.535, the enhanced enterprise zone tax credit program created under sections 135.950 to 135.973, and the Missouri quality jobs program created under sections 620.1875 to 620.1890. The provisions of this subsection shall

not be construed to limit or impair the ability of any administering agency to authorize or issue benefits for any project that had received an approval or a proposal from the department under any of the programs referenced in this subsection prior to August 28, 2013, or the ability of any taxpayer to redeem any such tax credits or to retain any withholding tax under an approval issued prior to that date. The provisions of this subsection shall not be construed to limit or in any way impair the ability of any governing authority to provide any local abatement or designate a new zone under the enhanced enterprise zone program created by sections 135.950 to 135.963. Notwithstanding any provision of law to the contrary, no qualified company that is awarded benefits under this program shall:

- (1) Simultaneously receive benefits under the programs referenced in this subsection at the same capital investment; or
- (2) Receive benefits under the provisions of section 620.1910 for the same jobs.

[14.] **15.** If any provision of sections 620.2000 to 620.2020 or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of these sections which can be given effect without the invalid provisions or application, and to this end, the provisions of sections 620.2000 to 620.2020 are hereby declared severable.

[15.] **16.** By no later than January 1, 2014, and the first day of each calendar quarter thereafter, the department shall present a quarterly report to the general assembly detailing the benefits authorized under this program during the immediately preceding calendar quarter to the extent such information may be disclosed under state and federal law. The report shall include, at a minimum:

- (1) A list of all approved and disapproved applicants for each tax credit;
- (2) A list of the aggregate amount of new or retained jobs that are directly attributable to the tax credits authorized;
- (3) A statement of the aggregate amount of new capital investment directly attributable to the tax credits authorized;
- (4) Documentation of the estimated net state fiscal benefit for each authorized project and, to the extent available, the actual benefit realized upon completion of such project or activity; and
- (5) The department's response time for each request for a proposed benefit award under this program.

[16.] **17.** The department may adopt such rules, statements of policy, procedures, forms, and guidelines as may be necessary to carry out the provisions of sections 620.2000 to 620.2020. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

[17.] **18.** Under section 23.253 of the Missouri sunset act:

- (1) The provisions of the program authorized under sections 620.2000 to 620.2020 shall be reauthorized as of August 28, 2018, and shall expire on August 28, 2030; and
- (2) If such program is reauthorized, the program authorized under this section shall automatically sunset

twelve years after the effective date of this reauthorization of sections 620.2000 to 620.2020; and

(3) Sections 620.2000 to 620.2020 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 620.2000 to 620.2020 is sunset.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 184, Page 2, Section 620.800, Line 35, by inserting after the words “employees at” the following:

**“the project facility and at”;** and

Further amend said bill, Page 17, Section 620.809, Line 253, by inserting after said section and line the following:

“620.2020. 1. The department shall respond to a written request, by or on behalf of a qualified company, for a proposed benefit award under the provisions of this program within five business days of receipt of such request. Such response shall contain either a proposal of benefits for the qualified company, or a written response refusing to provide such a proposal and stating the reasons for such refusal. A qualified company that intends to seek benefits under the program shall submit to the department a notice of intent. The department shall respond within thirty days to a notice of intent with an approval or a rejection, provided that the department may withhold approval or provide a contingent approval until it is satisfied that proper documentation of eligibility has been provided. Failure to respond on behalf of the department shall result in the notice of intent being deemed approved. A qualified company receiving approval for program benefits may receive additional benefits for subsequent new jobs at the same facility after the full initial project period if the applicable minimum job requirements are met. There shall be no limit on the number of project periods a qualified company may participate in the program, and a qualified company may elect to file a notice of intent to begin a new project period concurrent with an existing project period if the applicable minimum job requirements are achieved, the qualified company provides the department with the required annual reporting, and the qualified company is in compliance with this program and any other state programs in which the qualified company is currently or has previously participated. However, the qualified company shall not receive any further program benefits under the original approval for any new jobs created after the date of the new notice of intent, and any jobs created before the new notice of intent shall not be included as new jobs for purposes of the benefit calculation for the new approval. When a qualified company has filed and received approval of a notice of intent and subsequently files another notice of intent, the department shall apply the definition of project facility under subdivision (18) of section 620.2005 to the new notice of intent as well as all previously approved notices of intent and shall determine the application of the definitions of new job, new payroll, project facility base employment, and project facility base payroll accordingly.

2. Notwithstanding any provision of law to the contrary, the benefits available to the qualified company under any other state programs for which the company is eligible and which utilize withholding tax from the new or retained jobs of the company shall first be credited to the other state program before the withholding retention level applicable under this program will begin to accrue. If any qualified company also participates in a job training program utilizing withholding tax, the company shall retain no withholding tax under this program, but the department shall issue a refundable tax credit for the full amount of benefit

allowed under this program. The calendar year annual maximum amount of tax credits which may be issued to a qualifying company that also participates in a job training program shall be increased by an amount equivalent to the withholding tax retained by that company under a jobs training program.

3. A qualified company receiving benefits under this program shall provide an annual report of the number of jobs and such other information as may be required by the department to document the basis for program benefits available no later than ninety days prior to the end of the qualified company's tax year immediately following the tax year for which the benefits provided under the program are attributed. In such annual report, **the qualified company shall provide monthly, wage, insurance, and number of jobs data for the project period year covered in such report, and** if the average wage is below the applicable percentage of the county average wage, the qualified company has not maintained the employee insurance as required, or if the number of jobs is below the number required **in any given month during the project period year covered in such report,** the qualified company shall not receive tax credits or retain the withholding tax for the balance of the project period. Failure to timely file the annual report required under this section shall result in the forfeiture of tax credits attributable to the year for which the reporting was required and a recapture of withholding taxes retained by the qualified company during such year.

4. The department may withhold the approval of any benefits under this program until it is satisfied that proper documentation has been provided, and shall reduce the benefits to reflect any reduction in full-time employees or payroll. Upon approval by the department, the qualified company may begin the retention of the withholding taxes when it reaches the required number of jobs and the average wage meets or exceeds the applicable percentage of county average wage. Tax credits, if any, may be issued upon satisfaction by the department that the qualified company has exceeded the applicable percentage of county average wage and the required number of jobs.

5. Any qualified company approved for benefits under this program shall provide to the department, upon request, any and all information and records reasonably required to monitor compliance with program requirements. This program shall be considered a business recruitment tax credit under subdivision (4) of subsection 2 of section 135.800, and any qualified company approved for benefits under this program shall be subject to the provisions of sections 135.800 to 135.830.

6. Any taxpayer who is awarded benefits under this program who knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained.

7. The maximum amount of tax credits that may be authorized under this program for any fiscal year shall be limited as follows, less the amount of any tax credits previously obligated for that fiscal year under any of the tax credit programs referenced in subsection 13 of this section:

(1) For the fiscal year beginning on July 1, 2013, but ending on or before June 30, 2014, no more than one hundred six million dollars in tax credits may be authorized;

(2) For the fiscal year beginning on July 1, 2014, but ending on or before June 30, 2015, no more than one hundred eleven million dollars in tax credits may be authorized; and

(3) For any fiscal year beginning on or after July 1, 2015, no more than one hundred sixteen million dollars in tax credits may be authorized for each fiscal year.

8. For tax credits for the creation of new jobs under section 620.2010, the department shall allocate the annual tax credits based on the date of the approval, reserving such tax credits based on the department's

best estimate of new jobs and new payroll of the project, and any other applicable factors in determining the amount of benefits available to the qualified company under this program. However, the annual issuance of tax credits shall be subject to annual verification of actual payroll by the department. Any authorization of tax credits shall expire if, within two years from the date of commencement of operations, or approval if applicable, the qualified company has failed to meet the applicable minimum job requirements. The qualified company may retain authorized amounts from the withholding tax under the project once the applicable minimum job requirements have been met for the duration of the project period. No benefits shall be provided under this program until the qualified company meets the applicable minimum new job requirements. In the event the qualified company does not meet the applicable minimum new job requirements, the qualified company may submit a new notice of intent or the department may provide a new approval for a new project of the qualified company at the project facility or other facilities.

9. Tax credits provided under this program may be claimed against taxes otherwise imposed by chapters 143 and 148, and may not be carried forward, but shall be claimed within one year of the close of the taxable year for which they were issued. Tax credits provided under this program may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. For a qualified company with flow-through tax treatment to its members, partners, or shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the qualified company's tax period.

10. Prior to the issuance of tax credits or the qualified company beginning to retain withholding taxes, the department shall verify through the department of revenue and any other applicable state department that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes or other fees. Such delinquency shall not affect the approval, except that any tax credits issued shall be first applied to the delinquency and any amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue, the department of insurance, financial institutions and professional registration, or any other state department concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

11. The director of revenue shall issue a refund to the qualified company to the extent that the amount of tax credits allowed under this program exceeds the amount of the qualified company's tax liability under chapter 143 or 148.

12. An employee of a qualified company shall receive full credit for the amount of tax withheld as provided in section 143.211.

13. Notwithstanding any provision of law to the contrary, beginning August 28, 2013, no new benefits shall be authorized for any project that had not received from the department a proposal or approval for such

benefits prior to August 28, 2013, under the development tax credit program created under sections 32.100 to 32.125, the rebuilding communities tax credit program created under section 135.535, the enhanced enterprise zone tax credit program created under sections 135.950 to 135.973, and the Missouri quality jobs program created under sections 620.1875 to 620.1890. The provisions of this subsection shall not be construed to limit or impair the ability of any administering agency to authorize or issue benefits for any project that had received an approval or a proposal from the department under any of the programs referenced in this subsection prior to August 28, 2013, or the ability of any taxpayer to redeem any such tax credits or to retain any withholding tax under an approval issued prior to that date. The provisions of this subsection shall not be construed to limit or in any way impair the ability of any governing authority to provide any local abatement or designate a new zone under the enhanced enterprise zone program created by sections 135.950 to 135.963. Notwithstanding any provision of law to the contrary, no qualified company that is awarded benefits under this program shall:

(1) Simultaneously receive benefits under the programs referenced in this subsection at the same capital investment; or

(2) Receive benefits under the provisions of section 620.1910 for the same jobs.

14. If any provision of sections 620.2000 to 620.2020 or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of these sections which can be given effect without the invalid provisions or application, and to this end, the provisions of sections 620.2000 to 620.2020 are hereby declared severable.

15. By no later than January 1, 2014, and the first day of each calendar quarter thereafter, the department shall present a quarterly report to the general assembly detailing the benefits authorized under this program during the immediately preceding calendar quarter to the extent such information may be disclosed under state and federal law. The report shall include, at a minimum:

(1) A list of all approved and disapproved applicants for each tax credit;

(2) A list of the aggregate amount of new or retained jobs that are directly attributable to the tax credits authorized;

(3) A statement of the aggregate amount of new capital investment directly attributable to the tax credits authorized;

(4) Documentation of the estimated net state fiscal benefit for each authorized project and, to the extent available, the actual benefit realized upon completion of such project or activity; and

(5) The department's response time for each request for a proposed benefit award under this program.

16. The department may adopt such rules, statements of policy, procedures, forms, and guidelines as may be necessary to carry out the provisions of sections 620.2000 to 620.2020. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

17. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the program authorized under sections 620.2000 to 620.2020 shall be reauthorized as of August 28, 2018, and shall expire on August 28, 2030; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of this reauthorization of sections 620.2000 to 620.2020; and

(3) Sections 620.2000 to 620.2020 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 620.2000 to 620.2020 is sunset.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 101**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS**, as amended for **SCS** for **HCS** for **HB 220** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 220**, as amended.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS** for **SB 147** with **HCS**, as amended: Senators Sater, Libla, Brown, Holsman and Williams.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SB 202**, with **HCS**, as amended: Senators Romine, Libla, Wallingford, Sifton and Holsman.

### REFERRALS

President Pro Tem Schatz referred **HB 1237**, with **SCS** and **HB 637**, with **SCS**, to the Committee on Fiscal Oversight.

President Pro Tem Schatz assumed the Chair.

### REPORTS OF STANDING COMMITTEES

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **SS No. 2** for **HB 219**; **SCS** for **HCS** for **HB 447**; **SS** for **HCS No. 2** for **HB 499**; and **SS** for **SCS** for **HCS** for **HB 399**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Luetkemeyer, Chairman of the Committee on the Judiciary and Civil and Criminal



Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 523**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Kehoe assumed the Chair.

### PRIVILEGED MOTIONS

Senator Hough moved that **SB 68**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS for SB 68**, entitled:

#### HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 68

An Act to repeal sections 620.511, 620.800, 620.803, 620.806, 620.809, 620.2005, 620.2010, 620.2020, and 620.2475, RSMo, and to enact in lieu thereof nine new sections relating to workforce development.

Was taken up.

Senator Hough moved that **HCS for SB 68**, as amended, be adopted, which motion prevailed, by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Hegeman	Holsman	Hough	Libla	Luetkemeyer	May	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Sifton	Wallingford
Walsh	White	Wieland	Williams—25			

#### NAYS—Senators

Burlison	Eigel	Emery	Hoskins	Koenig	O’Laughlin	Onder
Schupp—8						

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Hough, **HCS for SB 68**, as amended, was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Hegeman	Holsman	Hough	Libla	Luetkemeyer	May	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Sifton	Wallingford
Walsh	White	Wieland	Williams—25			

#### NAYS—Senators

Burlison	Eigel	Emery	Hoskins	Koenig	O’Laughlin	Onder
Schupp—8						

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hough, title to the bill was agreed to.

Senator Hough moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

### HOUSE BILLS ON THIRD READING

Senator Schatz moved that **SS** for **HCS No. 2** for **HB 499** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **HCS No. 2** for **HB 499** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	O’Laughlin	Onder	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Sifton	Wallingford	Walsh	White
Wieland	Williams—30					

#### NAYS—Senators

Burlison	Eigel	Schupp—3
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Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schatz, title to the bill was agreed to.

Senator Schatz moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Riddle moved that **SCS** for **HCS** for **HB 447**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SCS** for **HCS** for **HB 447**, as amended, was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
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Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Hoskins moved that **SS** for **SCS** for **HCS** for **HB 399** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **SCS** for **HCS** for **HB 399** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton

Wallingford          Walsh          White          Wieland          Williams—33  
 NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Hoskins, title to the bill was agreed to.

Senator Hoskins moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Sater moved that **SS No. 2** for **HB 219**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passaged, which motion prevailed.

**SS No. 2** for **HB 219**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Cunningham moved that the conferees be allowed to exceed the differences on **HA 1** to **HA 2** to **SCS** for **SB 83** relating to grandparent visitation to make the language consistent with what the Senate Committee adopted in **SCS** for **HCS** for **HB 700**, which motion prevailed.

Senator Riddle moved that the Senate refuse to concur in **HCS** for **SB 36**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Crawford moved that the Senate refuse to concur in **HCS** for **SB 54**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Crawford moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 174**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 90**.

Bill ordered enrolled.

### HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCS** for **HB 744**—Education.

**HB 535**—General Laws.

**HCS** for **HB 420**—Health and Pensions.

**HCS** for **HB 1158**—Agriculture, Food Production and Outdoor Resources.

**HCS** for **HB 215**—Commerce, Consumer Protection, Energy and the Environment.

**HB 345**—General Laws.

### INTRODUCTIONS OF GUESTS

Senator Cierpiot introduced to the Senate, the Physician of the Day, Dr. Marc Taormina, Lee's Summit.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

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SIXTY-SEVENTH DAY—WEDNESDAY, MAY 15, 2019

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FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1006-Rehder

THIRD READING OF SENATE BILLS

SCS for SB 465-Burlison (In Fiscal Oversight)

SB 255-Bernskoetter

SENATE BILLS FOR PERFECTION

- |                               |                                  |
|-------------------------------|----------------------------------|
| 1. SB 430-Libla               | 17. SB 286-Hough                 |
| 2. SB 186-Hegeman             | 18. SB 325-Crawford, with SCS    |
| 3. SB 302-Wallingford         | 19. SBs 8 & 74-Emery, with SCS   |
| 4. SB 347-Burlison            | 20. SB 386-O'Laughlin, with SCS  |
| 5. SB 439-Brown               | 21. SB 272-Emery, with SCS       |
| 6. SB 303-Riddle, with SCS    | 22. SB 265-Luetkemeyer, with SCS |
| 7. SB 376-Riddle              | 23. SB 135-Sifton, with SCS      |
| 8. SB 82-Cunningham, with SCS | 24. SB 342-Curls and Nasheed     |
| 9. SB 161-Cunningham          | 25. SB 424-Luetkemeyer           |
| 10. SB 144-Burlison, with SCS | 26. SB 367-Burlison              |
| 11. SJR 20-Koenig, with SCS   | 27. SB 22-Nasheed, with SCS      |
| 12. SB 208-Wallingford        | 28. SJR 25-Libla, with SCS       |
| 13. SB 189-Crawford, with SCS | 29. SB 140-Koenig, with SCS      |
| 14. SB 385-Bernskoetter       | 30. SJR 21-May                   |
| 15. SB 409-Wieland, et al     | 31. SB 308-Onder                 |
| 16. SB 437-Hoskins            |                                  |

HOUSE BILLS ON THIRD READING

- |  |                              |
|--|------------------------------|
| 1. HB 485-Dogan, with SCS (Emery)<br>(In Fiscal Oversight) | 2. HB 214-Trent (Hough)      |
|  | 3. HCS for HB 1088 (Hoskins) |

4. HB 355-Plocher, with SCS (Wallingford)
5. HCS for HB 160, with SCS (White)
6. HB 584-Knight, with SCS (Wallingford)
7. HB 599-Bondon, with SCS (Cunningham)
8. HB 1029-Bondon (Brown)
9. HB 257-Stephens (Sater)
10. HB 563-Wiemann (Wallingford)
11. HCS for HB 266, with SCS (Hoskins)
12. HCS for HB 959, with SCS (Cierpiot)
13. HCS for HB 333, with SCS (Crawford)
14. HB 461-Pfautsch (Brown)
15. HCS for HB 824 (Hoskins)
16. HB 587-Rone (Crawford)
17. HCS for HB 346 (Wallingford)
18. HB 1061-Patterson (Hoskins)
19. HB 470-Grier, with SCS (O'Laughlin)
20. HB 186-Trent, with SCS (Burlison)
21. HCS for HB 466, with SCS (Riddle)  
(In Fiscal Oversight)
22. HCS for HB 229, with SCS (Wallingford)
23. HB 646-Rowland (Sater)
24. HCS for HBs 161 & 401, with SCS  
(Cunningham)
25. HB 321-Solon (Luetkemeyer)
26. HCS for HB 67, with SCS (Luetkemeyer)
27. HB 240-Schroer, with SCS (Luetkemeyer)
28. HB 337-Swan (Wallingford)
29. HB 267-Baker (Emery)
30. HB 757-Bondon (Wieland)
31. HB 942-Wiemann (Brown)
32. HB 815-Black (137) (Hough)
33. HB 705-Helms, with SCS (Riddle)
34. HCS for HB 301, with SCS (Burlison)
35. HB 600-Bondon (Cunningham)
36. HB 943-McGill (Hoskins)
37. HB 372-Trent (Wallingford)
38. HCS for HB 438 (Brown)
39. HCS for HB 1127 (Riddle)
40. HCS for HB 400 (White)
41. HB 966-Gregory (Onder)
42. HB 1062-Hansen, with SCS (Hoskins)
43. HJR 54-Plocher (Walsh) (In Fiscal Oversight)
44. HB 191 & HB 873-Kolkmeier, with SCS  
(Hoskins)
45. HCS#2 for HB 626 (Brown)  
(In Fiscal Oversight)
46. HCS for HB 207 (White) (In Fiscal Oversight)
47. HB 756-Pfautsch (Schupp)
48. HB 83-Hill (O'Laughlin)
49. HB 758-Bondon, with SCS (Onder)  
(In Fiscal Oversight)
50. HCS for HJRs 48, 46 & 47 (Rowden)  
(In Fiscal Oversight)
51. HCS for HB 937, with SCS (Wieland)
52. HCS for HB 703, with SCS (Luetkemeyer)
53. HB 761-Pfautsch, with SCS (Cierpiot)
54. HCS for HB 844 (Sater)
55. HB 637-Shawan, with SCS (Eigel)  
(In Fiscal Oversight)
56. HB 1237-Fitzwater, with SCS (Bernskoetter)  
(In Fiscal Oversight)
57. HCS for HB 700, with SCS (Cunningham)
58. HCS for HBs 746 & 722 (Cunningham)
59. HCS for HB 842 (Bernskoetter)
60. HB 523-Roden, with SCS (Wieland)

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 4-Sater

SB 5-Sater, et al, with SCS

SB 10-Cunningham, with SCS & SA 1 (pending)

SB 14-Wallingford

SB 16-Romine, with SCS, SS for SCS, SA 3  
& point of order (pending)  
SB 19-Libla, with SA 1 (pending)  
SB 31-Wieland  
SB 39-Onder  
SB 44-Hoskins, with SCS & SS#3 for SCS  
(pending)  
SBs 46 & 50-Koenig, with SCS, SS for SCS  
& SA 6 (pending)  
SB 49-Rowden, with SCS  
SB 52-Eigel, with SCS  
SB 56-Cierpiot, with SCS, SS for SCS &  
SA 1 (pending)  
SB 57-Cierpiot  
SB 62-Burlison, with SCS  
SB 65-White, with SS (pending)  
SB 69-Hough  
SB 76-Sater, with SCS (pending)  
SB 78-Sater  
SB 97-Hegeman, with SCS  
SB 100-Riddle, with SS (pending)  
SB 118-Cierpiot, with SCS  
SB 132-Emery, with SCS  
SB 141-Koenig  
SB 150-Koenig, with SCS  
SBs 153 & 117-Sifton, with SCS  
SB 154-Luetkemeyer, with SS & SA 2 (pending)  
SB 155-Luetkemeyer  
SB 160-Koenig, with SCS, SS for SCS &  
SA 2 (pending)  
SB 168-Wallingford, with SCS  
SB 201-Romine  
SB 205-Arthur, with SCS  
SB 211-Wallingford

SB 222-Hough  
SB 225-Curls  
SB 234-White  
SB 252-Wieland, with SCS  
SB 259-Romine, with SS & SA 3 (pending)  
SB 276-Rowden, with SCS  
SB 278-Wallingford, with SCS  
SBs 279, 139 & 345-Onder, with SCS,  
SS for SCS, SA 1 & SA 1 to SA 1 (pending)  
SB 292-Eigel, with SCS &  
SS#2 for SCS (pending)  
SB 293-Hough, with SCS  
SB 296-Cierpiot, with SCS  
SB 298-White, with SCS  
SB 300-Eigel  
SB 312-Eigel  
SB 316-Burlison  
SB 318-Burlison  
SB 328-Burlison, with SCS  
SB 332-Brown  
SB 336-Schupp  
SB 343-Eigel, with SCS  
SB 344-Eigel, with SCS  
SB 349-O'Laughlin, with SCS  
SB 350-O'Laughlin  
SB 354-Cierpiot, with SCS  
SB 412-Holsman  
SB 426-Williams  
SB 431-Schatz, with SCS  
SJR 1-Sater and Onder, with SS#2 & SA 1  
(pending)  
SJR 13-Holsman, with SCS, SS for SCS &  
SA 1 (pending)  
SJR 18-Cunningham

## HOUSE BILLS ON THIRD READING

HB 113-Smith, with SCS (Emery)  
HB 126-Schroer, with SCS (Koenig)  
HCS for HB 169, with SCS (Romine)

HB 188-Rehder (Luetkemeyer)  
HCS for HB 225, with SCS, SS for SCS &  
SA 1 (pending) (Romine)



HCS for HBs 243 & 544, with SCS (Arthur)  
 HCS for HB 255, with SS & SA 5 (pending)  
 (Cierpiot)  
 HB 332-Lynch, with SCS (Wallingford)  
 HCS for HB 469 (Wallingford)

SCS for HCS for HB 547 (Bernskoetter)  
 HCS for HB 564, with SCS (Koenig)  
 HCS for HB 604, with SCS & SS for SCS  
 (pending) (Hoskins)  
 HCS for HB 678, with SCS (Williams)

### SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 28-Hegeman, with HCS,  
 as amended  
 SCS for SB 131-Emery, with HCS, as amended  
 SCS for SB 184-Wallingford with HA 1, HA 2,  
 HA 3, HA 4, as amended & HA 5

SS for SB 210-May, with HCS, as amended  
 SS for SB 306-White, with HA 1, HA 2 & HA 3

### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

#### In Conference

SB 17-Romine, with HA 1, HA 2, HA 3, HA 4  
 & HA 5  
 SB 53-Crawford, with HCS, as amended  
 SCS for SB 83-Cunningham, with HA 1 &  
 HA 2, as amended  
 SB 133-Cunningham, with HCS  
 (Senate adopted CCR and passed CCS)  
 SCS for SB 147-Sater, with HCS, as amended  
 SB 182-Cierpiot, et al, with HCS, as amended

SB 202-Romine, with HCS, as amended  
 SS for SCS for SB 230-Crawford, with HA 1,  
 HA 2, HA 3, as amended, HA 4, HA 5 & HA 6  
 SB 368-Hough, with HA 1, HA 2, HA 3, HA 4,  
 HA 5, HA 6, HA 7 & HA 8  
 (Senate adopted CCR and passed CCS)  
 HCS for HB 397, with SS for SCS, as amended  
 (Riddle)  
 (House adopted CCR and passed CCS)

#### Requests to Recede or Grant Conference

SB 36-Riddle, with HCS, as amended  
 (Senate requests House recede or grant  
 conference)  
 SB 54-Crawford, with HCS, as amended  
 (Senate requests House recede or grant  
 conference)

SCS for SB 174-Crawford, with HCS, as amended  
 (Senate requests House recede or grant  
 conference)

RESOLUTIONS

SR 20-Holsman

SR 731-Hoskins

Reported from Committee

SCR 8-Holsman

SCR 15-Burlison

SCR 19-Eigel

SCR 21-May

SCR 22-Holsman

SCR 23-Luetkemeyer

SCR 24-Hegeman and Luetkemeyer

SCR 26-Bernskoetter

HCR 6-Chipman (Brown)

HCS for HCR 16 (Hoskins)

HCR 18-Spencer (Eigel)

HCR 34-Riggs (Curls)

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# Journal of the Senate

FIRST REGULAR SESSION

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**SIXTY-SEVENTH DAY—WEDNESDAY, MAY 15, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“You hem me in, behind and before, and lay your hand upon me.” (Psalm 139:5)

Gracious God, You know us, our deeds and thoughts intimately. We ask, lay Your hand upon us and fill us with the knowledge of Your grace filled presence so that we may share this gift with others who are experiencing the stress and tension as we do. Help us be instruments of peace and calm and find ways to be serene in this final week as we together push to get what must be completed and only a little time to do so. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Rowden announced photographers from Jefferson City News Tribune, KRCG-TV, KOMU-TV, KY3/KSPR, St. Louis Public Radio, KMIZ-TV, Columbian Missourian, KSDK, Missouri Times, Megan Casady Photography and The Kansas City Star were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Brown assumed the Chair.

President Kehoe assumed the Chair.

### **RESOLUTIONS**

Senator Cierpiot offered Senate Resolution No. 947, regarding Dr. Peter Bogach Greenspan, which was adopted.

Senator White offered Senate Resolution No. 948, regarding Harold Mayor, which was adopted.

Senator Schupp offered Senate Resolution No. 949, regarding Kaylee Sharp, Savannah, which was adopted.

Senator Schupp offered Senate Resolution No. 950, regarding Kaley Burroughs, St. Louis, which was adopted.

On motion of Senator Rowden, the Senate recessed until 4:30 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Kehoe.

### **HOUSE BILLS ON THIRD READING**

**HB 126**, introduced by Representative Schroer, with **SCS**, entitled:

An Act to repeal sections 188.010, 188.015, 188.020, 188.027, 188.028, 188.043, and 188.052, RSMo, and to enact in lieu thereof thirteen new sections relating to abortion, with penalty provisions.

Was taken up by Senator Koenig.

**SCS** for **HB 126**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 126**

An Act to repeal sections 188.010, 188.015, 188.020, 188.027, 188.028, 188.043, and 188.052, RSMo, and to enact in lieu thereof thirteen new sections relating to abortion, with penalty provisions and a contingent effective date for a certain section.

Was taken up.

Senator Koenig moved that **SCS** for **HB 126** be adopted.

Senator Koenig offered **SS** for **SCS** for **HB 126**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 126**

An Act to repeal sections 135.630, 188.010, 188.015, 188.027, 188.028, 188.043, and 188.052, RSMo, and to enact in lieu thereof seventeen new sections relating to abortion, with penalty provisions, a contingent effective date for a certain section, and an emergency clause for a certain section.

Senator Koenig moved that **SS** for **SCS** for **HB 126** be adopted, which motion prevailed.

Senator Koenig moved that **SS** for **SCS** for **HB 126** be read the 3rd time and passed and was recognized to close.

President Pro Tem Schatz referred **SS** for **SCS** for **HB 126** to the Committee on Fiscal Oversight.

On motion of Senator Rowden, the Senate recessed until 3:40 a.m.

### RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

### REPORTS OF STANDING COMMITTEES

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Fiscal Oversight, to which was referred **SS** for **SCS** for **HB 126**, begs leave to report that it has considered the same and recommends that the bill do pass.

### HOUSE BILLS ON THIRD READING

Senator Koenig moved that **SS** for **SCS** for **HB 126** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **SCS** for **HB 126** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Eigel
Emery	Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer
O’Laughlin	Onder	Riddle	Romine	Rowden	Sater	Schatz
Wallingford	White	Wieland—24				

#### NAYS—Senators

Arthur	Curls	Holsman	May	Nasheed	Rizzo	Schupp
Sifton	Walsh	Williams—10				

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

#### YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Eigel
Emery	Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer
O’Laughlin	Onder	Riddle	Romine	Rowden	Sater	Schatz
Wallingford	White	Wieland—24				

## NAYS—Senators

Arthur	Curls	Holsman	May	Nasheed	Rizzo	Schupp
Sifton	Walsh	Williams—10				

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Koenig, title to the bill was agreed to.

Senator Koenig moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 204**, entitled:

An Act to repeal sections 193.015, 195.100, 324.008, 324.009, 329.050, 333.041, 334.037, 334.104, 334.108, 334.506, 334.613, 334.735, 334.736, 334.747, 334.749, 336.080, 337.020, 337.029, 337.050, 338.010, 341.170, 630.175, and 630.875, RSMo, and to enact in lieu thereof twenty-five new sections relating to professional licensure, with a penalty provision.

With House Amendment Nos. 1, 2, 3, 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendment Nos. 6, 7, 8, 9, 10, 11, 12, 13 and 14.

**HOUSE AMENDMENT NO. 1**

Amend House Committee Substitute for Senate Bill No. 204, Page 1, In the Title, Line 5, by deleting the word, “licensure” and inserting in lieu thereof the word, “services”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 2**

Amend House Committee Substitute for Senate Bill No. 204, Page 46, Section 337.050, Line 96, by inserting after all of said section and line the following:

“337.068. 1. If the board finds merit to a complaint by an individual incarcerated or under the care and control of the department of corrections or who has been ordered to be taken into custody, detained, or held under sections 632.480 to 632.513 **or who has been ordered to be evaluated under chapter 552** and takes further investigative action, no documentation may appear on file or disciplinary action may be taken in regards to the licensee’s license unless the provisions of subsection 2 of section 337.035 have been violated. Any case file documentation that does not result in the board filing an action pursuant to subsection 2 of section 337.035 shall be destroyed within three months after the final case disposition by the board. No notification to any other licensing board in another state or any national registry regarding any investigative action shall be made unless the provisions of subsection 2 of section 337.035 have been violated.

2. Upon written request of the psychologist subject to a complaint, prior to August 28, 1999, by an individual incarcerated or under the care and control of the department of corrections or prior to August 28, 2008, by an individual who has been ordered to be taken into custody, detained, or held under sections 632.480 to 632.513, **or prior to August 28, 2019, by an individual who has been ordered to be evaluated under chapter 552** that did not result in the board filing an action pursuant to subsection 2 of section 337.035, the board and the division of professional registration, shall in a timely fashion:

(1) Destroy all documentation regarding the complaint;

(2) Notify any other licensing board in another state or any national registry regarding the board's actions if they have been previously notified of the complaint; and

(3) Send a letter to the licensee that clearly states that the board found the complaint to be unsubstantiated, that the board has taken the requested action, and notify the licensee of the provisions of subsection 3 of this section.

3. Any person who has been the subject of an unsubstantiated complaint as provided in subsection 1 or 2 of this section shall not be required to disclose the existence of such complaint in subsequent applications or representations relating to their psychology professions.”; and

Further amend said bill, Page 49, Section 338.010, Line 103, by inserting after all of said section and line the following:

“339.190. 1. A real estate licensee shall be immune from liability for statements made by engineers, land surveyors, geologists, environmental hazard experts, wood-destroying inspection and control experts, termite inspectors, mortgage brokers, home inspectors, or other home inspection experts unless:

(1) The statement was made by a person employed by the licensee or the broker with whom the licensee is associated;

(2) The person making the statement was selected by and engaged by the licensee. For purposes of this section, the ordering of a report or inspection alone shall not constitute selecting or engaging a person; or

(3) The licensee knew prior to closing that the statement was false or the licensee acted in reckless disregard as to whether the statement was true or false.

2. A real estate licensee shall not be the subject of any action and no action shall be instituted against a real estate licensee for any information contained in a seller's disclosure for residential, commercial, industrial, farm, or vacant real estate furnished to a buyer, unless the real estate licensee is a signatory to such or the licensee knew prior to closing that the statement was false or the licensee acted in reckless disregard as to whether the statement was true or false.

3. A real estate licensee acting as a courier of documents referenced in this section shall not be considered to be making the statements contained in such documents.

**4. A real estate licensee shall not be the subject of any action and no action shall be instituted against a real estate licensee for the accuracy of any information about the size or area, in square footage or otherwise, of a property or of improvements on the property if the real estate licensee obtains the information from a third party and the licensee discloses the source of the information prior to an offer to purchase being transmitted to the seller, unless the real estate licensee knew the information was false at the time the real estate licensee transmitted or published the information or the licensee acted with reckless disregard as to whether such information was true or false.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 204, Page 6, Section 324.035, Line 4, by inserting after all of said section and line the following:

**“324.950. 1. Sections 324.950 to 324.983 shall be known and may be cited as the “Missouri Statewide Mechanical Contractor Licensing Act”.**

**2. As used in sections 324.950 to 324.983, unless the context clearly indicates otherwise, the following terms shall mean:**

**(1) “Division”, the division of professional registration within the department of insurance, financial institutions and professional registration;**

**(2) “License holder”, any person who is granted a statewide license by the division;**

**(3) “Local license”, a valid business or occupational license issued by a Missouri political subdivision;**

**(4) “Mechanical contractor”, a company engaged in mechanical contracting work per the International Code Council (ICC) and NFPA 54, including the design, installation, maintenance, construction, alteration, repair, and inspection of any:**

**(a) HVAC system;**

**(b) HVAC duct system;**

**(c) Exhaust systems;**

**(d) Combustion air or make up air;**

**(e) Chimneys and vents;**

**(f) Hydronic piping systems that are part of an HVAC system;**

**(g) Boilers, water heaters, and pressure vessels;**

**(h) Process piping systems under one hundred fifty PSI;**

**(i) Fuel gas distribution piping;**

**(j) Fuel gas-fired, fuel oil-fired, and solid fuel appliances;**

**(k) Fuel oil piping and storage vessels;**

**(l) Fuel gas-fired, fuel oil-fired, and solid fuel appliance venting systems;**

**(m) Equipment and appliances intended to utilize solar energy for space heating or cooling;**

**(n) Domestic hot water heating, swimming pool heating, or process heating; and**

**(o) Refrigeration systems, including all equipment and components thereof.**

**Additional certification may be required by the division for a particular scope of mechanical work;**

**(5) “Office”, the office of mechanical contractors within the division of professional registration;**



(6) “Person”, an individual, corporation, partnership, association, or other legal entity;

(7) “Statewide mechanical contractor license”, a valid license issued by the division that allows the mechanical contractor and any of its employees or manufacturers’ representatives or subcontractors to practice in any jurisdiction in Missouri regardless of local licensing requirements. Political subdivisions cannot require any member of the work force of a licensed statewide mechanical contractor to obtain an individual occupational license.

**324.953. 1.** The division shall adopt, implement, rescind, amend, and administer such rules as may be necessary to carry out the provisions of sections 324.950 to 324.983. The division may promulgate necessary rules authorized or as required to explain or clarify sections 324.950 to 324.983 including, but not limited to, rules relating to professional conduct, continuing competency requirements for the renewal of licenses, approval of continuing competency programs, fees, and the establishment of ethical standards of business practice for persons holding a license under sections 324.950 to 324.983. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

**2.** For the purpose of sections 324.950 to 324.983, the division shall:

(1) Establish all applicable fees, set at an amount which shall not substantially exceed the cost of administering sections 324.950 to 324.983; and

(2) Deposit all fees collected under sections 324.950 to 324.983 by transmitting such funds to the department of revenue for deposit to the state treasury to the credit of the Missouri mechanical contractor licensing fund.

**324.956.** There is hereby created the “Office of Mechanical Contractors” to be housed within the division of professional registration. The division shall:

(1) Employ, within the limits of the funds appropriated, persons as are necessary to carry out the provisions of sections 324.950 to 324.983, including both administrative and professional staff and legal counsel, with the discretion to hire experts in mechanical contracting to advise the division on technical matters related to mechanical contracting;

(2) Exercise all budgeting, purchasing, reporting, and related management functions;

(3) Conduct investigations to determine compliance with sections 324.950 to 324.983; and

(4) File suit in its own name on behalf of the office to enforce the provisions of sections 324.950 to 324.983.

**324.959. 1.** The applicant for a statewide mechanical license shall satisfy the following requirements:

(1) Be at least twenty-one years of age;

(2) Provide proof of liability insurance in the amount of five hundred thousand dollars and post

bond with each political subdivision in which he or she will perform work as required by that political subdivision;

(3) Pass one of the following standardized and nationally offered mechanical assessment tests:

(a) International Code Council;

(b) Prometric; or

(c) North American Technician Excellence (NATE) certification; or

a similar test that is administered by an independent professional testing agency not affiliated with any political subdivision or the state of Missouri and is approved by the division. The applicant shall pay for all costs associated with the examinations;

(4) Complete the application form provided by the division and pay any applicable application fees; and

(5) Have completed seven thousand five hundred hours of verifiable field experience in the mechanical industry or a bachelor's or further advanced degree in mechanical or civil engineering from an accredited college or university with a minimum of three years verifiable experience directing and supervising at least one field employee.

2. Any applicant for licensure who holds a local license as defined in section 324.950, or other license authorizing him or her to engage in mechanical contracting, who has seven thousand five hundred hours of verifiable field experience in the mechanical industry, and who is otherwise eligible for licensure shall be issued a statewide mechanical license, therefore becoming a statewide mechanical license holder. The provisions of this subsection shall apply only to licenses issued by a political subdivision with the legal authority to issue such licenses.

3. If a corporation, firm, institution, organization, company, or representative thereof desires to engage in mechanical contracting licensed under sections 324.950 to 324.985, it shall have in its employ at least one license holder who possesses a statewide license in accordance with sections 324.950 to 324.983. A statewide licensed mechanical license holder shall represent only one corporation, firm, institution, organization, or company at one time.

4. The division may issue a mechanical contractor license to any person who holds a current and active license to engage in the practice of a mechanical contractor or as a master pipefitter or master plumber issued by any other state, the District of Columbia, or territories of the United States that require standards for licensure, registration, or certification considered to be equivalent or more stringent than the requirements for licensure under sections 324.950 to 324.983.

324.962. 1. Political subdivisions shall not be prohibited from establishing their own local mechanical contractor's license but shall recognize a statewide license in lieu of a local license for the purposes of performing contracting work or obtaining permits to perform work within such political subdivision. No political subdivision shall require the employees of a statewide licensed mechanical contractor or its subcontractors or manufacturers' representatives to obtain journeyman licenses, apprentice licenses, or occupation licenses that require passing any examination or any special requirements to assess proficiency or mastery of the mechanical trade. The workforce of a statewide licensee shall be deemed eligible to perform mechanical contracting work and to obtain permits to perform such work from any political subdivision within the state of Missouri.

2. If a political subdivision does not recognize a statewide license in lieu of a local license for the purposes of performing contracting work or obtaining permits to perform work within the political subdivision, a statewide mechanical contractor licensee may file a complaint with the division. The division shall perform an investigation into the complaint, and if the division finds that the political subdivision failed to recognize a statewide license in accordance with this section, the division shall notify the political subdivision that the political subdivision has violated the provisions of this section and has thirty days to comply with this section. If after thirty days the political subdivision still does not recognize a statewide license, the division shall notify the director of the department of revenue, who shall withhold any moneys the noncompliant political subdivision would otherwise be entitled to from local sales tax, as defined in section 32.085, until the director has received notice from the division that the political subdivision is in compliance with this section. Upon the political subdivision coming into compliance with the provisions of this section, the division shall notify the director of the department of revenue, who shall disburse all funds held under this subsection. Moneys held by the director of the department of revenue under this subsection shall not be deemed to be state funds and shall not be commingled with any funds of the state.

3. The provisions of this section shall not prohibit any political subdivision in this state from:

- (1) Enforcing any code or law contained in this section;
- (2) Requiring a business license to perform mechanical contracting work;
- (3) Issuing mechanical contracting permits;
- (4) Enforcing codes of the political subdivision; and
- (5) Inspecting the work of a statewide mechanical contractor.

4. Political subdivisions that do not have the authority to issue or require mechanical contractor licenses prior to August 28, 2019, shall not be granted such authority under the provisions of this section.

324.965. There is hereby created in the state treasury the “Missouri Mechanical Contractor Licensing Fund”, which shall consist of moneys collected under sections 324.950 to 324.983. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, moneys in the fund shall be used solely for the administration of sections 324.950 to 324.983. The provisions of section 33.080 to the contrary notwithstanding, moneys in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the fund for the preceding fiscal year. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

324.968. 1. Licenses shall expire on a renewal date established by the division. The term of licensure shall be twenty-four months. The division shall mail a renewal notice to the last known address of each person licensed under sections 324.950 to 324.983 prior to the renewal date. Failure to provide the division with the information required for renewal or to pay the required fee after such notice shall result in the license being declared inactive. The licensee shall not practice until he or she

applies for reinstatement and pays the required fees. The license shall be restored if the application for reinstatement is received within two years of the renewal date.

2. In addition to other requirements provided by sections 324.950 to 324.983 and established by the division, in order to renew such license under this section, the person shall have at least sixteen contact hours of industry-related training.

324.971. Any person operating as a mechanical contractor in a political subdivision that does not require the mechanical contractor to hold a local license, or who operates as a mechanical contractor in a political subdivision that requires a local license possessed by that person, shall not be required to possess a statewide license under sections 324.950 to 324.983 to operate as a mechanical contractor in such political subdivision.

324.977. The statewide license shall be regulated by the division of professional registration and not a state-appointed licensing board.

324.980. 1. The division may refuse to issue any certificate of registration or authority, permit, or license required under sections 324.950 to 324.983 for one or any combination of causes stated in subsection 2 of this section. The division shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The division may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit, or license required by sections 324.950 to 324.983, or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit, or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 324.950 to 324.983;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any profession licensed or regulated under sections 324.950 to 324.983, for any offense involving a controlled substance, or for any offense an essential element of which is fraud, dishonesty, or an act of violence;

(3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit, or license issued under sections 324.950 to 324.983 or in obtaining permission to take any examination given or required under sections 324.950 to 324.983;

(4) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession licensed or regulated by sections 324.950 to 324.983;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 324.950 to 324.983, or of any lawful rule or regulation adopted thereunder;

(7) Impersonation of any person holding a certificate of registration or authority, permit, or license or allowing any person to use his or her certificate of registration or authority, permit, license, or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by sections 324.950 to 324.983 granted by another political subdivision, state, territory, federal agency, or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged mentally incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 324.950 to 324.983 who is not licensed or registered and currently eligible to practice thereunder;

(11) Issuance of a certificate of registration or authority, permit, or license based upon a material mistake of fact;

(12) Failure to maintain liability coverage as required for initial licensure;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed; or

(15) Failure to post bond as required by any local jurisdiction.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the division may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the division deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke any certificate of registration or authority, permit, or license issued under sections 324.950 to 324.983.

4. An individual whose certificate of registration or authority, permit, or license has been revoked shall wait three years from the date of revocation to apply for any certificate of registration or authority, permit, or license under sections 324.950 to 324.983. Any certificate of registration or authority, permit, or license shall be issued at the discretion of the board after compliance with all the requirements of sections 324.950 to 324.983 relative to the licensing or registration of the applicant for the first time.

5. The division may file suit to enforce compliance, including the authority to seek injunctions and restraining orders to enjoin any person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a license is required upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit, or license;

(2) Engaging in the practice of business authorized by a license issued under a building trades contractor law upon a showing that the license holder presents a substantial probability of serious harm to the health, safety, or welfare of any resident of this state or owner or lessee of real property

within this state; or

(3) Refusing to recognize a statewide license as a valid license within any political subdivision, or requiring journeymen or apprentices to be individually licensed or requiring subcontractors and manufacturer's representatives, or other members of the contractor's workforce to be licensed.

6. The division may assess fines for violations of any of the provisions of sections 324.950 to 324.983 in an amount not to exceed five thousand dollars per occurrence upon a judicial or administrative finding of violation of law.

7. The division may compel the production of documents, things, or persons by subpoena.

8. The division may refer any violations of the provisions of any state law or local ordinance relating to the work performed by a licensee to the appropriate state or local official.

**324.983. 1. Any person that knowingly violates any provision of sections 324.950 to 324.983 is guilty of a class B misdemeanor.**

**2. Any officer or agent of a corporation or member or agent of a partnership or association who knowingly and personally participates in or is an accessory to any violation of sections 324.950 to 324.983 is guilty of a class B misdemeanor.**

**3. The division may file suit for any violation of sections 324.950 to 324.983 in any court of competent jurisdiction and perform such other acts as may be necessary to enforce the provisions of sections 324.950 to 324.983.”; and**

Further amend said bill, Page 39, Section 334.749, Line 43, by inserting after all of said section and line the following:

“335.016. As used in this chapter, unless the context clearly requires otherwise, the following words and terms mean:

(1) “Accredited”, the official authorization or status granted by an agency for a program through a voluntary process;

(2) “Advanced practice registered nurse” or “APRN”, a [nurse who has education beyond the basic nursing education and is certified by a nationally recognized professional organization as a certified nurse practitioner, certified nurse midwife, certified registered nurse anesthetist, or a certified clinical nurse specialist. The board shall promulgate rules specifying which nationally recognized professional organization certifications are to be recognized for the purposes of this section. Advanced practice nurses and only such individuals may use the title “Advanced Practice Registered Nurse” and the abbreviation “APRN”] **person who is licensed under the provisions of this chapter to engage in the practice of advanced practice nursing as a certified clinical nurse specialist, certified nurse midwife, certified nurse practitioner, or certified registered nurse anesthetist;**

(3) “Approval”, official recognition of nursing education programs which meet standards established by the board of nursing;

(4) “Board” or “state board”, the state board of nursing;

(5) “Certified clinical nurse specialist”, a registered nurse who is currently certified as a clinical nurse specialist by a nationally recognized certifying board approved by the board of nursing;

(6) “Certified nurse midwife”, a registered nurse who is currently certified as a nurse midwife by the

American College of Nurse Midwives, or other nationally recognized certifying body approved by the board of nursing;

(7) “Certified nurse practitioner”, a registered nurse who is currently certified as a nurse practitioner by a nationally recognized certifying body approved by the board of nursing;

(8) “Certified registered nurse anesthetist”, a registered nurse who is currently certified as a nurse anesthetist by the [Council on Certification of Nurse Anesthetists, the Council on Recertification of Nurse Anesthetists,] **National Board of Certification and Recertification for Nurse Anesthetists** or other nationally recognized certifying body approved by the board of nursing;

(9) “Executive director”, a qualified individual employed by the board as executive secretary or otherwise to administer the provisions of this chapter under the board’s direction. Such person employed as executive director shall not be a member of the board;

(10) “Inactive nurse”, as defined by rule pursuant to section 335.061;

(11) “Lapsed license status”, as defined by rule under section 335.061;

(12) “Licensed practical nurse” or “practical nurse”, a person licensed pursuant to the provisions of this chapter to engage in the practice of practical nursing;

(13) “Licensure”, the issuing of a license **to a person who has met specified requirements authorizing the person** to practice **advanced practice**, professional, or practical nursing [to candidates who have met the specified requirements] and the recording of the names of those persons as holders of a license to practice **advanced practice**, professional, or practical nursing;

(14) “**Practice of** practical nursing”, the performance for compensation of selected acts for the promotion of health and in the care of persons who are ill, injured, or experiencing alterations in normal health processes. Such performance requires substantial specialized skill, judgment and knowledge. All such nursing care shall be given under the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse. For the purposes of this chapter, the term “direction” shall mean guidance or supervision provided by a person licensed by a state regulatory board to prescribe medications and treatments or a registered professional nurse, including, but not limited to, oral, written, or otherwise communicated orders or directives for patient care. When practical nursing care is delivered pursuant to the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse, such care may be delivered by a licensed practical nurse without direct physical oversight;

(15) “**Practice of** professional nursing”, the performance for compensation of any act **or action** which requires substantial specialized education, judgment and skill based on knowledge and application of principles derived from the biological, physical, social, **behavioral** and nursing sciences, including, but not limited to:

(a) Responsibility for the **promotion and** teaching of health care and the prevention of illness to the patient and his or her family;

(b) Assessment, **data collection**, nursing diagnosis, nursing care, **evaluation**, and counsel of persons who are ill, injured or experiencing alterations in normal health processes;

(c) The administration of medications and treatments as prescribed by a person licensed by a state regulatory board to prescribe medications and treatments;

(d) The coordination, **initiation, performance**, and assistance in the **determination and** delivery of a plan of health care with all members of a health team;

(e) The teaching and supervision of other persons in the performance of any of the foregoing;

(16) [A] “Registered professional nurse” or “registered nurse”, a person licensed pursuant to the provisions of this chapter to engage in the practice of professional nursing;

(17) “Retired license status”, any person licensed in this state under this chapter who retires from such practice. Such person shall file with the board an affidavit, on a form to be furnished by the board, which states the date on which the licensee retired from such practice, an intent to retire from the practice for at least two years, and such other facts as tend to verify the retirement as the board may deem necessary; but if the licensee thereafter reengages in the practice, the licensee shall renew his or her license with the board as provided by this chapter and by rule and regulation.

335.046. 1. An applicant for a license to practice as a registered professional nurse shall submit to the board a written application on forms furnished to the applicant. The original application shall contain the applicant’s statements showing the applicant’s education and other such pertinent information as the board may require. The applicant shall be of good moral character and have completed at least the high school course of study, or the equivalent thereof as determined by the state board of education, and have successfully completed the basic professional curriculum in an accredited or approved school of nursing and earned a professional nursing degree or diploma. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration. Applicants from non-English-speaking lands shall be required to submit evidence of proficiency in the English language. The applicant must be approved by the board and shall pass an examination as required by the board. The board may require by rule as a requirement for licensure that each applicant shall pass an oral or practical examination. Upon successfully passing the examination, the board may issue to the applicant a license to practice nursing as a registered professional nurse. The applicant for a license to practice registered professional nursing shall pay a license fee in such amount as set by the board. The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed as prescribed by rule.

2. An applicant for license to practice as a licensed practical nurse shall submit to the board a written application on forms furnished to the applicant. The original application shall contain the applicant’s statements showing the applicant’s education and other such pertinent information as the board may require. Such applicant shall be of good moral character, and have completed at least two years of high school, or its equivalent as established by the state board of education, and have successfully completed a basic prescribed curriculum in a state-accredited or approved school of nursing, earned a nursing degree, certificate or diploma and completed a course approved by the board on the role of the practical nurse. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration. Applicants from non-English-speaking countries shall be required to submit evidence of their proficiency in the English language. The applicant must be approved by the board and shall pass an examination as required by the board. The board may require by rule as a requirement for licensure that each applicant shall pass an oral or practical examination. Upon successfully passing the examination, the board may issue to the applicant a license to practice as a licensed practical nurse. The applicant for a license to practice licensed practical nursing shall pay a fee in such amount as



may be set by the board. The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed as prescribed by rule.

3. Upon refusal of the board to allow any applicant to [sit for] **take** either the registered professional nurses' examination or the licensed practical nurses' examination, [as the case may be,] **or upon refusal to issue an advanced practice registered nurse license**, the board shall comply with the provisions of section 621.120 and advise the applicant of his or her right to have a hearing before the administrative hearing commission. The administrative hearing commission shall hear complaints taken pursuant to section 621.120.

4. The board shall not deny a license because of sex, religion, race, ethnic origin, age or political affiliation.

**335.047. 1. The Missouri state board of nursing may promulgate rules under chapter 536 establishing the licensure, renewal procedures, fees, and the discipline of advanced practice registered nurses. An application for licensure may be denied or the license of an advanced practice registered nurse may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 335.066, or such other standards of conduct set by the board by rule.**

**2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.**

**3. Nothing in this section shall prohibit a certified advance practice registered nurse from continuing to practice with a certification before such licensing rules are established by the board.**

**4. Nothing in this section shall prohibit a certified registered nurse anesthetist as defined in section 335.016 from providing anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available, if needed, pursuant to subsection (7) of section 334.104.**

335.051. 1. The board shall issue a license to practice nursing as either a registered professional nurse or a licensed practical nurse without examination to an applicant who has duly become licensed as a registered nurse or licensed practical nurse pursuant to the laws of another state, territory, or foreign country if the applicant meets the qualifications required of registered nurses or licensed practical nurses in this state at the time the applicant was originally licensed in the other state, territory, or foreign country.

2. Applicants from foreign countries shall be licensed as prescribed by rule.

3. Upon application, the board shall issue a temporary permit to an applicant pursuant to subsection 1 of this section for a license as either a registered professional nurse or a licensed practical nurse who has made a prima facie showing that the applicant meets all of the requirements for such a license. The temporary permit shall be effective only until the board shall have had the opportunity to investigate his **or her** qualifications for licensure pursuant to subsection 1 of this section and to notify the applicant that his or her application for a license has been either granted or rejected. In no event shall such temporary permit be in effect for more than twelve months after the date of its issuance nor shall a permit be reissued to the

same applicant. No fee shall be charged for such temporary permit. The holder of a temporary permit which has not expired, or been suspended or revoked, shall be deemed to be the holder of a license issued pursuant to section 335.046 until such temporary permit expires, is terminated or is suspended or revoked.

**4. The board may issue a license by endorsement to an advanced practice registered nurse licensed under the laws of another state if, in the opinion of the board, the applicant meets the qualifications for licensure in this jurisdiction. An advanced practice registered nurse licensed under this subsection shall practice in accordance with the laws of this state.**

335.056. 1. The license of every person licensed under the provisions of [sections 335.011 to 335.096] **this chapter** shall be renewed as provided. An application for renewal of license shall be mailed to every person to whom a license was issued or renewed during the current licensing period. The applicant shall complete the application and return it to the board by the renewal date with a renewal fee in an amount to be set by the board. The fee shall be uniform for all applicants. The certificates of renewal shall render the holder thereof a legal practitioner of nursing for the period stated in the certificate of renewal. Any person who practices nursing as **an advanced practice registered nurse**, a registered professional nurse, or [as] a licensed practical nurse during the time his **or her** license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violation of the provisions of sections 335.011 to [335.096] **335.099**.

**2. A licensee's advanced practice registered nursing license and his or her professional nursing license shall be treated as one license for the purpose of discipline, renewal, and assessment of renewal fees.**

335.076. 1. Any person who holds a license to practice professional nursing in this state may use the title "Registered Professional Nurse" and the abbreviation "R.N.". No other person shall use the title "Registered Professional Nurse" or the abbreviation "R.N.". No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a registered professional nurse.

2. Any person who holds a license to practice practical nursing in this state may use the title "Licensed Practical Nurse" and the abbreviation ["L.P.N."] **"LPN"**. No other person shall use the title "Licensed Practical Nurse" or the abbreviation ["L.P.N."] **"LPN"**. No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a licensed practical nurse.

3. Any person who holds a license [or recognition] to practice advanced practice nursing in this state may use the title "Advanced Practice Registered Nurse", **the designations of "certified registered nurse anesthetist", "certified nurse midwife", "certified clinical nurse specialist", and "certified nurse practitioner"**, and the [abbreviation] **abbreviations "APRN", [and any other title designations appearing on his or her license] "CRNA", "CNM", "CNS", and "NP", respectively**. No other person shall use the title "Advanced Practice Registered Nurse" or the abbreviation "APRN". No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is an advanced practice registered nurse.

4. No person shall practice or offer to practice professional nursing, practical nursing, or advanced practice nursing in this state or use any title, sign, abbreviation, card, or device to indicate that such person is a practicing professional nurse, practical nurse, or advanced practice nurse unless he or she has been duly licensed under the provisions of this chapter.

5. In the interest of public safety and consumer awareness, it is unlawful for any person to use the title “nurse” in reference to himself or herself in any capacity, except individuals who are or have been licensed as a registered nurse, licensed practical nurse, or advanced practice registered nurse under this chapter.

6. Notwithstanding any law to the contrary, nothing in this chapter shall prohibit a Christian Science nurse from using the title “Christian Science nurse”, so long as such person provides only religious nonmedical services when offering or providing such services to those who choose to rely upon healing by spiritual means alone and does not hold his or her own religious organization and does not hold himself or herself out as a registered nurse, advanced practice registered nurse, nurse practitioner, licensed practical nurse, nurse midwife, clinical nurse specialist, or nurse anesthetist, unless otherwise authorized by law to do so.

335.086. No person, firm, corporation or association shall:

(1) Sell or attempt to sell or fraudulently obtain or furnish or attempt to furnish any nursing diploma, license, renewal or record or aid or abet therein;

(2) Practice [professional or practical] nursing as defined by sections 335.011 to [335.096] **335.099** under cover of any diploma, license, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(3) Practice [professional nursing or practical] nursing as defined by sections 335.011 to [335.096] **335.099** unless duly licensed to do so under the provisions of sections 335.011 to [335.096] **335.099**;

(4) Use in connection with his **or her** name any designation tending to imply that he **or she** is a licensed **advanced practice registered nurse, a licensed** registered professional nurse, or a licensed practical nurse unless duly licensed so to practice under the provisions of sections 335.011 to [335.096] **335.099**;

(5) Practice [professional nursing or practical] nursing during the time his **or her** license issued under the provisions of sections 335.011 to [335.096] **335.099** shall be suspended or revoked; or

(6) Conduct a nursing education program for the preparation of professional or practical nurses unless the program has been accredited by the board.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 204, Page 1, Section A, Line 7, by inserting after all of said section and line the following:

“135.630. 1. As used in this section, the following terms mean:

(1) “Contribution”, a donation of cash, stock, bonds, or other marketable securities, or real property;

(2) “Director”, the director of the department of social services;

(3) “Pregnancy resource center”, a nonresidential facility located in this state:

(a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and

(b) Where childbirths are not performed; and

(c) Which does not perform, induce, or refer for abortions and which does not hold itself out as performing, inducing, or referring for abortions; and

(d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and

(e) Which provides its services at no cost to its clients; and

(f) When providing medical services, such medical services must be performed in accordance with Missouri statute; and

(g) Which is exempt from income taxation pursuant to the Internal Revenue Code of 1986, as amended;

(4) “State tax liability”, in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, excluding sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, excluding sections 143.191 to 143.265 and related provisions;

(5) “Taxpayer”, a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143, or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

2. (1) Beginning on March 29, 2013, any contribution to a pregnancy resource center made on or after January 1, 2013, shall be eligible for tax credits as provided by this section.

(2) For all tax years beginning on or after January 1, 2007, **and ending on or before December 31, 2019**, a taxpayer shall be allowed to claim a tax credit against the taxpayer’s state tax liability in an amount equal to fifty percent of the amount such taxpayer contributed to a pregnancy resource center. **For all tax years beginning on or after January 1, 2020, a taxpayer shall be allowed to claim a tax credit against the taxpayer’s state tax liability in an amount equal to seventy percent of the amount such taxpayer contributed to a pregnancy resource center.**

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer’s state tax liability for the tax year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per tax year. However, any tax credit that cannot be claimed in the tax year the contribution was made may be carried over only to the next succeeding tax year. No tax credit issued under this section shall be assigned, transferred, or sold.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer’s contribution or contributions to a pregnancy resource center or centers in such taxpayer’s tax year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as

pregnancy resource centers. The director may require of a facility seeking to be classified as a pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as a pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as a pregnancy resource center. Pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. [The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to pregnancy resource centers in any one fiscal year shall not exceed two million dollars for all fiscal years ending on or before June 30, 2014, and two million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2014, and ending on or before June 30, 2019, and three million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2019. Tax credits shall be issued in the order contributions are received. If the amount of tax credits redeemed in a fiscal year is less than the cumulative amount authorized under this subsection, the difference shall be carried over to a subsequent fiscal year or years and shall be added to the cumulative amount of tax credits that may be authorized in that fiscal year or years.]

7. [The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as pregnancy resource centers. If a pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. ] Each pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax information.

[9. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the program authorized under this section shall automatically sunset on December thirty-first six years after August 28, 2018, unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of the reauthorization of this section;

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under this section is sunset; and

(4) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.]

**8. The provisions of section 23.253 shall not apply to this section.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR  
HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 204, Page 6, Section 324.035, Line 4, by inserting after said section and line the following:

“327.041. 1. The board shall have the duty and the power to carry out the purposes and to enforce and administer the provisions of this chapter, to require, by summons or subpoena, with the vote of two-thirds of the voting board members, the attendance and testimony of witnesses, and the production of drawings, plans, plats, specifications, books, papers or any document representing any matter under hearing or investigation, pertaining to the issuance, probation, suspension or revocation of certificates of registration [or certificates of authority] provided for in this chapter, or pertaining to the unlawful practice of architecture, professional engineering, professional land surveying or professional landscape architecture.

2. The board shall, within the scope and purview of the provisions of this chapter, prescribe the duties of its officers and employees and adopt, publish and enforce the rules and regulations of professional conduct which shall establish and maintain appropriate standards of competence and integrity in the professions of architecture, professional engineering, professional land surveying and professional landscape architecture, and adopt, publish and enforce procedural rules and regulations as may be considered by the board to be necessary or proper for the conduct of the board’s business and the management of its affairs, and for the effective administration and interpretation of the provisions of this chapter. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly [pursuant to] **under** chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

3. Rules promulgated by the board [pursuant to] **under** sections 327.272 to 327.635 shall be consistent with and shall not supersede the rules promulgated by the department of natural resources [pursuant to] **under** chapter 60.

327.075. 1. Upon application by the board, and the necessary burden having been met, a court of general jurisdiction may grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration [or authority], permit or license is required upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration [or authority], permit or license; or

(2) Engaging in any practice or business authorized by a certificate of registration [or authority], permit or license issued [pursuant to] **under** this chapter upon a showing that the holder presents a substantial probability of serious danger to the health, safety or welfare of any resident of this state or client of the licensee.

2. Any such action shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.

3. Any action brought [pursuant to] **under** this section shall be in addition to and not in lieu of any remedy provided by this chapter and may be brought concurrently with other actions to enforce this chapter.

327.076. 1. Any person who practices architecture, engineering, land surveying, or landscape architecture, as defined in sections 327.011 to 327.635, or who holds himself or herself out as able to practice such profession and who is not the holder of a currently valid license [or certificate of authority] in Missouri, and who is not exempt from holding such a license [or certificate], is guilty of a class A misdemeanor. As used in this chapter, “practice” shall not include the rendering of opinions or giving of testimony in a civil or criminal proceeding by a licensed professional.

2. The board may cause a complaint to be filed with the administrative hearing commission, as provided in chapter 621, against any unlicensed person who:

(1) Engages in or offers to render or engage in the practice of architecture, professional engineering, professional land surveying, or professional landscape architecture;

(2) Uses or employs titles defined and protected by this chapter, or implies authorization to provide or offer professional services, or otherwise uses or advertises any title, word, figure, sign, card, advertisement, or other symbol or description tending to convey the impression that the person is licensed [or holds a certificate of authority] to practice architecture, professional engineering, professional land surveying, or professional landscape architecture;

(3) Presents or attempts to use another person’s license[, or seal[, or certificate of authority] as his or her own;

(4) Attempts to use an expired, suspended, revoked, or nonexistent license [or certificate of authority];

(5) Affixes his or her or another architect’s, professional engineer’s, professional land surveyor’s, or professional landscape architect’s seal on any plans, drawings, specifications or reports which have not been prepared by such person or under such person’s immediate personal supervision care;

(6) Gives false or forged evidence of any kind to the board or any member of the board in obtaining or attempting to obtain a certificate of licensure in this state or any other state or jurisdiction;

(7) Knowingly aids or abets an unlicensed or unauthorized person who engages in any prohibited activity identified in this subsection;

(8) Violates any provision of the code of professional conduct or other rule adopted by the board; or

(9) Violates any provision of subsection 2 of section 327.441.

3. When reviewing complaints against unlicensed persons, the board may initiate an investigation and take all measures necessary to find the facts of any potential violation, including issuing subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence, and may request the attorney general to bring an action to enforce the subpoena.

4. If the board files a complaint with the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, either singularly or in combination with other provisions of this chapter, impose a civil penalty

as provided for in section 327.077 against the person named in the complaint.

327.077. 1. In disciplinary actions against licensed or unlicensed persons, the board may issue an order imposing a civil penalty. Such penalty shall not be imposed until the findings of fact and conclusions of law by the administrative hearing commission have been delivered to the board in accordance with section 621.110. Further, no civil penalty shall commence until a formal meeting and vote by the board has been taken to impose such a penalty.

2. A civil penalty imposed under this section shall not exceed five thousand dollars for each offense. Each day of a continued violation constitutes a separate offense, with a maximum penalty of twenty-five thousand dollars. In determining the amount of penalty to be imposed, the board may consider any of the following:

- (1) Whether the amount imposed will be a substantial deterrent to the violation;
- (2) The circumstances leading to the violation;
- (3) The severity of the violation and the risk of harm to the public;
- (4) The economic benefits gained by the violator as a result of noncompliance;
- (5) The interest of the public.

3. Any final order imposing a civil penalty is subject to judicial review upon the filing of a petition under section 536.100 by any person subject to the penalty.

4. Payment of a civil penalty shall be made within sixty days of filing the order, or if the order is stayed pending an appeal within ten days after the court enters a final judgment in favor of the board. If the penalty is not timely paid, the board shall notify the attorney general. The attorney general may commence an action to recover the amount of the penalty, including reasonable attorney fees and costs and a surcharge of fifteen percent of the penalty plus ten percent per annum on any amounts owed. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

5. An action to enforce an order under this section may be joined with an action for an injunction.

6. Any offer of settlement to resolve a civil penalty under this section shall be in writing, state that an action for imposition of a civil penalty may be initiated by the attorney general representing the board under this section, and identify any dollar amount as an offer of settlement, which shall be negotiated in good faith through conference, conciliation, and persuasion.

7. Failure to pay a civil penalty by any person licensed under this chapter shall be grounds for refusing to renew or denying reinstatement of a license [or certificate of authority].

8. Penalties collected under this section shall be handled in accordance with Section 7 of Article IX of the Missouri Constitution. Such penalties shall not be considered a charitable contribution for tax purposes.

327.101. No person shall practice architecture in Missouri as defined in section 327.091 unless and until there is issued to the person a license [or a certificate of authority] certifying that the person has been duly licensed as an architect or authorized to practice architecture, in Missouri, and unless such license has been renewed as hereinafter specified; provided, however, that nothing in this chapter shall apply to the following persons:

(1) Any person who is an employee of a person holding a currently valid license as an architect [or who is an employee of any person holding a currently valid certificate of authority pursuant to this chapter,] and



who performs architectural work under the direction and continuing supervision of and is checked by one holding a currently valid license as an architect [pursuant to] **under** this chapter;

(2) Any person who is a regular full-time employee who performs architectural work for the person's employer if and only if all such work and service so performed is in connection with a facility owned or wholly operated by the employer and which is occupied by the employer of the employee performing such work or service, and if and only if such work and service so performed do not endanger the public health or safety;

(3) Any holder of a currently valid license [or certificate of authority] as a professional engineer who performs only such architecture as incidental practice and necessary to the completion of professional services lawfully being performed by such licensed professional engineer;

(4) Any person who is a professional landscape architect, city planner or regional planner who performs work consisting only of consultations concerning and preparation of master plans for parks, land areas or communities, or the preparation of plans for and the supervision of the planting and grading or the construction of walks and paving for parks or land areas and such other minor structural features as fences, steps, walls, small decorative pools and other construction not involving structural design or stability and which is usually and customarily included within the area of work of a professional landscape architect or planner;

(5) Any person who renders architectural services in connection with the construction, remodeling or repairing of any privately owned building described in paragraphs (a), (b), (c), (d), and (e) which follow, and who indicates on any drawings, specifications, estimates, reports or other documents furnished in connection with such services that the person is not a licensed architect:

(a) A dwelling house; or

(b) A multiple family dwelling house, flat or apartment containing not more than two families; or

(c) A commercial or industrial building or structure which provides for the employment, assembly, housing, sleeping or eating of not more than nine persons; or

(d) Any one structure containing less than two thousand square feet, except as provided in (b) and (c) above, and which is not a part or a portion of a project which contains more than one structure; or

(e) A building or structure used exclusively for farm purposes;

(6) Any person who renders architectural services in connection with the remodeling or repairing of any privately owned multiple family dwelling house, flat or apartment containing three or four families, provided that the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building and who indicates on any drawings, specifications, estimates, reports or other documents furnished in connection with such services that the person is not a licensed architect;

(7) Any person or corporation who is offering, but not performing or rendering, architectural services if the person or corporation is licensed to practice architecture in the state or country of residence or principal place of business.

327.171. 1. The professional license, issued to every architect in Missouri[, including certificates of authority issued to corporations as provided in section 327.401], shall be renewed on or before the [certificate] **license** renewal date, provided that the required fee is paid. The board may establish, by rule, continuing education requirements as a condition to renewing the license of an architect, provided that the

board shall not require more professional development hours than that which is recommended by the American Institute of Architects or its successor organization, but not to exceed thirty such hours. The license of any architect [or the certificate of authority issued to any corporation] which is not renewed by the [certificate] renewal date shall expire on the renewal date and be void and the holder of such expired [certificate] **license** shall have no rights or privileges under such license [or certificate]; but any person [or corporation] whose [certificate] **license** has expired as provided in this section may within three months of the [certificate] **license** renewal date or at the discretion of the board, upon payment of the required fee, be renewed, relicensed, or reauthorized under such person's [or such corporation's] original license number.

2. Each application for the renewal of a license [or of a certificate of authority] shall be on a form furnished to the applicant and shall be accompanied by the required fee, but no renewal fee need be paid by any architect over the age of seventy-five.

327.191. No person shall practice as a professional engineer in Missouri, as defined in section 327.181 unless and until there is issued to such person a professional license [or a certificate of authority] certifying that such person has been duly licensed as a professional engineer [or authorized] to practice engineering in Missouri, and unless such license [or certificate] has been renewed as provided in section 327.261; provided that section 327.181 shall not be construed to prevent the practice of engineering by the following persons:

(1) Any person who is an employee of a person holding a currently valid license as a professional engineer [or who is an employee of a person holding a currently valid certificate of authority pursuant to] **under** this chapter, and who performs professional engineering work under the direction and continuing supervision of and is checked by one holding a currently valid license as a professional engineer [pursuant to] **under** this chapter;

(2) Any person who is a regular full-time employee of a person or any former employee under contract to a person, who performs professional engineering work for such employer if and only if all such work and service so performed is done solely in connection with a facility owned or wholly operated by the employer and occupied or maintained by the employer of the employee performing such work or service, and does not affect the health, safety, and welfare of the public;

(3) Any person engaged in engineering who is a full-time, regular employee of a person engaged in manufacturing operations and which engineering so performed by such person relates to the manufacture, sale or installation of the products of such person, and does not affect the health, safety, and welfare of the public;

(4) Any holder of a currently valid license [or certificate of authority] as an architect, professional land surveyor, or professional landscape architect who performs only such engineering as incidental practice and necessary to the completion of professional services lawfully being performed by such architect, professional land surveyor, or professional landscape architect;

(5) Any person or corporation who is offering, but not performing or rendering, professional engineering services if the person or corporation is licensed to practice professional engineering in the state or country of residence or principal place of business.

327.261. 1. The professional license issued to every professional engineer in Missouri[, including certificates of authority issued to corporations as hereinafter provided,] shall be renewed on or before the license renewal date, provided that the required fee is paid. The board may establish, by rule, continuing

education requirements as a condition to renewing the license of a professional engineer, provided that the board shall not require more professional development hours than that which is recommended by the National Council of Examiners for Engineering and Surveying or its successor organization, but not to exceed thirty such hours. The license of any professional engineer [or the certificate of authority of any such corporation] which is not renewed by the [certificate] **license** renewal date shall expire on the renewal date and be void and the holder of the expired license [or certificate] shall have no rights or privileges under such license [or certificate]; but any person [or corporation] whose license [or certificate] has expired as aforesaid may within three months of the [certificate] **license** renewal date or at the discretion of the board, upon payment of the required fee, be renewed, relicensed, or reauthorized under such person's [or such corporation's] original license number.

2. Each application for the renewal of a license [or of a certificate of authority] shall be on a form furnished to the applicant and shall be accompanied by the required fee; but no renewal fee need be paid by any professional engineer over the age of seventy-five.

327.281. No person, including any duly elected county surveyor, shall practice as a professional land surveyor in Missouri as defined in section 327.272 unless and until there is issued to such person a license [or a certificate of authority] certifying that such person has been duly licensed as a professional land surveyor in Missouri, and unless such license [or certificate] has been renewed as provided in section 327.351.

327.351. 1. The professional license issued to every professional land surveyor in Missouri[, including certificates of authority issued to corporations as provided in section 327.401,] shall be renewed on or before the license [or certificate] renewal date provided that the required fee is paid. The license of any professional land surveyor [or the certificate of authority of any such corporation] which is not renewed by the renewal date shall expire on the renewal date and be void and the holder of such expired license [or certificate] shall have no rights or privileges thereunder, but any person [or corporation] whose license [or certificate] has expired may, within three months of the [certificate] **license** renewal date or at the discretion of the board and upon payment of the required fee, be renewed, reregistered, or relicensed under such person's [or corporation's] original license number.

2. Each application for the renewal of a license [or of a certificate of authority] shall be on a form furnished to the applicant and shall be accompanied by the required fee; but no renewal fee need be paid by any professional land surveyor over the age of seventy-five.

3. As a condition for renewal of a license issued [pursuant to] **under** section 327.314, a license holder shall be required to successfully complete twenty units of professional development that meet the standards established by the board regulations within the preceding two calendar years. Any license holder who completes more than twenty units of professional development within the preceding two calendar years may have the excess, not to exceed ten units, applied to the requirement for the next two-year period.

4. The board shall not renew the license of any license holder who has failed to complete the professional development requirements [pursuant to] **under** subsection 3 of this section, unless such license holder can show good cause why he or she was unable to comply with such requirements. If the board determines that good cause was shown, the board shall permit the license holder to make up all outstanding required units of professional development.

5. A license holder may at any time prior to the termination of his or her license request to be classified as inactive. Inactive licenses may be maintained by payment of an annual fee determined by the board.

Holders of inactive licenses shall not be required to complete professional development as required in subsection 3 of this section. Holders of inactive licenses shall not practice as professional land surveyors within this state, but may continue to use the title “professional land surveyor” or the initials “PLS” after such person’s name. If the board determines that good cause was shown, the board shall permit the professional land surveyor to make up all outstanding required units of professional development.

6. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of such intention by paying appropriate fees as determined by the board, and by meeting all established requirements of the board including the demonstration of current knowledge, competency, and skill in the practice of land surveying as a condition of reactivation.

7. In the event an inactive licensee does not maintain a current license in any state for a five-year period immediately prior to requesting reactivation, that person may be required to take such examination as the board deems necessary to determine such person’s qualifications. Such examination shall cover areas designed to demonstrate the applicant’s proficiency in current methods of land surveying practice.

8. Exemption to the required professional development units shall be granted to licensees during periods of serving honorably on full-time active duty in the military service.

9. At the time of application for license renewal, each licensee shall report, on a form provided by the board, the professional development activities undertaken during the preceding renewal period to satisfy the requirements [pursuant to] **under** subsection 3 of this section. The licensee shall maintain a file in which records of activities are kept, including dates, subjects, duration of program, and any other appropriate documentation, for a period of four years after the program date.

327.401. [1.] The right to practice as an architect or to practice as a professional engineer or to practice as a professional land surveyor or to practice as a professional landscape architect shall be deemed a personal right, based upon the qualifications of the individual, evidenced by such individual’s professional license and shall not be transferable; but any architect or any professional engineer or any professional land surveyor or any professional landscape architect may practice his or her profession through the medium of, or as a member or as an employee of, a partnership or corporation if the plans, specifications, estimates, plats, reports, surveys or other like documents or instruments of the partnership or corporation are signed and stamped with the personal seal of the architect, professional engineer, professional land surveyor, or professional landscape architect by whom or under whose immediate personal supervision the same were prepared and provided that the architect or professional engineer or professional land surveyor or professional landscape architect who affixes his or her signature and personal seal to any such plans, specifications, estimates, plats, reports or other documents or instruments shall be personally and professionally responsible therefor.

[2. Any domestic corporation formed under the corporation law of this state, or any foreign corporation, now or hereafter organized and having as one of its purposes the practicing of architecture or professional engineering or professional land surveying or professional landscape architecture and any existing corporation which amends its charter to propose to practice architecture or professional engineering or professional land surveying or professional landscape architecture shall obtain a certificate of authority for each profession named in the articles of incorporation or articles of organization from the board which shall be renewed in accordance with the provisions of section 327.171 or 327.261 or 327.351, as the case may be, and from and after the date of such certificate of authority and while the authority or a renewal thereof is in effect, may offer and render architectural or professional engineering or professional land surveying

or professional landscape architectural services in this state if:

(1) At all times during the authorization or any renewal thereof the directors of the corporation shall have assigned responsibility for the proper conduct of all its architectural or professional engineering or professional land surveying or professional landscape architectural activities in this state to an architect licensed and authorized to practice architecture in this state or to a professional engineer licensed and authorized to practice engineering in this state or to a professional land surveyor licensed and authorized to practice professional land surveying in this state, or to a professional landscape architect licensed and authorized to practice professional landscape architecture in this state, as the case may be; and

(2) The person or persons who is or are personally in charge and supervises or supervise the architectural or professional engineering or professional land surveying or professional landscape architectural activities, as the case may be, of any such corporation in this state shall be licensed and authorized to practice architecture or professional engineering or professional land surveying or professional landscape architecture, as the case may be, as provided in this chapter; and

(3) The corporation pays such fees for the certificate of authority, renewals or reinstatements thereof as are required.]

327.441. 1. The board may refuse to issue any license [or certificate of authority] required [pursuant to] **under** this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license [or certificate of authority] required by this chapter or any person who has failed to renew or has surrendered such person's license [or certificate of authority], for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any license [or certificate of authority] issued [pursuant to] **under** this chapter or in obtaining permission to take any examination given or required [pursuant to] **under** this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted [pursuant to] **under** this chapter;

(7) Impersonation of any person holding a license [or certificate of authority], or allowing any person to use his or her license [or certificate of authority,] or diploma from any school;

(8) Disciplinary action against the holder of a license [or a certificate of authority,] or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not licensed and currently eligible to practice [pursuant to] **under** this chapter;

(11) Issuance of a professional license [or a certificate of authority] based upon a material mistake of fact;

(12) Failure to display a valid license [or certificate of authority] if so required by this chapter or any rule promulgated [pursuant to] **under** this chapter;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or order a civil penalty under section 327.077, or revoke the license [or certificate of authority] of the person named in the complaint.

327.442. 1. At such time as the final trial proceedings are concluded whereby a licensee, or any person who has failed to renew or has surrendered his or her certificate of licensure [or authority], has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, in a felony prosecution [pursuant to] **under** the laws of this state, the laws of any other state, territory, or the laws of the United States of America for any offense reasonably related to the qualifications, functions, or duties of a licensee [pursuant to] **under** this chapter or any felony offense, an essential element of which is fraud, dishonesty, or an act of violence, or for any felony offense involving moral turpitude, whether or not sentence is imposed, the board for architects, professional engineers, professional land surveyors and professional landscape architects may hold a disciplinary hearing to singly or in combination censure or place the licensee named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license [or certificate].

2. Anyone who has been revoked or denied a license or certificate to practice in another state may automatically be denied a license or certificate to practice in this state. However, the board for architects, professional engineers, professional land surveyors and professional landscape architects may establish other qualifications by which a person may ultimately be qualified and licensed to practice in Missouri.

327.451. 1. Any person who believes that an architect or a professional engineer or a professional land surveyor or a professional landscape architect has acted or failed to act so that his or her license [or

certificate of authority] should, [pursuant to] **under** the provisions of this chapter, be suspended or revoked, or who believes that any applicant for a license [or certificate of authority pursuant to] **under** the provisions of this chapter is not entitled to a license [or a certificate of authority], may file a written affidavit with the executive director of the board which the affiant shall sign and swear to and in which the affiant shall clearly set forth the reasons for the affiant's charge or charges that the license [or certificate] of an architect or professional engineer or professional land surveyor or professional landscape architect should be suspended or revoked or not renewed or that a license [or certificate] should not be issued to an applicant.

2. If the affidavit so filed does not contain statements of fact which if true would authorize, [pursuant to] **under** the provisions of this chapter, suspension or revocation of the accused's license [or certificate], or does not contain statements of fact which if true would authorize, [pursuant to] **under** the provisions of this chapter, the refusal of the renewal of an existing license [or certificate] or the refusal of a license [or certificate] to an applicant, the board shall either dismiss the charge or charges or, within its discretion, cause an investigation to be made of the charges contained in the affidavit, after which investigation the board shall either dismiss the charge or charges or proceed against the accused by written complaint as provided in subsection 3 of this section.

3. If the affidavit contains statements of fact which if true would authorize [pursuant to] **under** the provisions of this chapter the revocation or suspension of an accused's license [or certificate], the board shall cause an investigation to be made of the charge or charges contained in the affidavit and unless the investigation discloses the falsity of the facts upon which the charge or charges in the affidavit are based, the board shall file with and in the administrative hearing commission a written complaint against the accused setting forth the cause or causes for which the accused's license [or certificate of authority] should be suspended or revoked. Thereafter, the board shall be governed by and shall proceed in accordance with the provisions of chapter 621.

4. If the charges contained in the affidavit filed with the board would constitute a cause or causes for which [pursuant to] **under** the provisions of this chapter an accused's license [or certificate of authority] should not be renewed or a cause or causes for which [pursuant to] **under** the provisions of this chapter a [certificate] **license** should not be issued, the board shall cause an investigation to be made of the charge or charges and unless the investigation discloses the falsity of the facts upon which the charge or charges contained in the affidavit are based, the board shall refuse to permit an applicant to be examined upon the applicant's qualifications for licensure or shall refuse to issue or renew a license [or certificate of authority], as the case may require.

5. The provisions of this section shall not be so construed as to prevent the board on its own initiative from instituting and conducting investigations and based thereon to make written complaints in and to the administrative hearing commission.

6. If for any reason the provisions of chapter 621 become inapplicable to the board, then, and in that event, the board shall proceed to charge, adjudicate and otherwise act in accordance with the provisions of chapter 536.

327.465. 1. As used in this section, the following terms shall mean:

(1) "Design-build", a project for which the design and construction services are furnished under one contract;

(2) "Design-build contract", a contract between the owner, owner's agent, tenant, or other party and a

design-build contractor to furnish the architecture, engineering, and related design services, and the labor, materials, and other construction services required for a specific public or private construction project;

(3) “Design-build contractor”, any individual, partnership, joint venture, corporation, or other legal entity that furnishes architecture or engineering services and construction services either directly or through subcontracts.

2. Any design-build contractor that enters into a design-build contract for public or private construction shall be exempt from the requirement that such person or entity hold a certificate of registration [or such corporation hold a certificate of authority] if the architectural, engineering, or land surveying services to be performed under the contract are performed through subcontracts with[:

(1) ] persons who hold a certificate of registration for the appropriate profession[; or

(2) Corporations that hold current certificates of authority from the board for the appropriate profession].

3. Nothing in this chapter shall prohibit the enforcement of a design-build contract by a design-build contractor who only furnishes, but does not directly or through its employees perform the architectural, engineering, or surveying required by the contract and who does not hold itself out as able to perform such services.

327.621. 1. The professional license issued to every professional landscape architect in Missouri[, and certificates of authority issued to corporations under section 327.401,] shall be renewed on or before the license renewal date, provided that the required fee is paid. The board may establish, by rule, continuing education requirements as a condition to renewing the license of a professional landscape architect, provided that the board shall not require more than thirty such hours. The license of a professional landscape architect [or the certificate of authority issued to any corporation] which is not renewed by the renewal date shall expire on the renewal date and be void and the holder thereof shall have no rights or privileges thereunder; provided, however, any person [or corporation] whose license has expired under this section may within three months of the [certificate] **license** renewal date or at the discretion of the board, upon payment of the fee, be renewed, relicensed, or reauthorized under such person’s [or such corporation’s] original license number.

2. Each application for the renewal of a license shall be on a form furnished to the applicant and shall be accompanied by the required fee, but no renewal fee need be paid by any professional landscape architect over the age of seventy-five.

327.629. No person shall practice as a professional landscape architect in Missouri as defined in section 327.600 unless and until the board has issued to him or her a license [or certificate of authority] certifying that he or she has been duly licensed as a professional landscape architect in Missouri, and unless such licensure has been renewed as provided in section 327.621; provided, however, that nothing in sections 327.600 to 327.635 shall be construed to require licensing of a person [or corporation] who is offering, but not performing or rendering, landscape architectural services if the person [or corporation] is licensed to practice landscape architecture in the state or country of residence or principal place of business. No person shall hold themselves out to be a professional landscape architect unless licensed [pursuant to] **under** the provisions of sections 327.600 to 327.635.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.



HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 204, Page 6, Section 324.035, Line 4, by inserting after all of said section and line the following:

“329.010. As used in this chapter, unless the context clearly indicates otherwise, the following words and terms mean:

(1) “Accredited school of cosmetology or school of manicuring”, an establishment operated for the purpose of teaching cosmetology as defined in this section and meeting the criteria set forth under 34 C.F.R. Part 600, Sections 600.1 and 600.2;

(2) “Apprentice” or “student”, a person who is engaged in training within a cosmetology establishment or school, and while so training performs any of the practices of the classified occupations within this chapter under the immediate direction and supervision of a licensed cosmetologist or instructor;

(3) “Board”, the state board of cosmetology and barber examiners;

(4) “Cosmetologist”, any person who, for compensation, engages in the practice of cosmetology, as defined in subdivision (5) of this section;

(5) “Cosmetology” includes performing or offering to engage in any acts of the classified occupations of cosmetology for compensation, which shall include:

(a) “Class CH - hairdresser” includes arranging, dressing, curling, singeing, waving, permanent waving, [cleansing,] cutting, bleaching, tinting, coloring or similar work upon the hair of any person by any means; or removing superfluous hair from the body of any person by means other than electricity, or any other means of arching or tinting eyebrows or tinting eyelashes. Class CH - hairdresser also includes any person who either with the person’s hands or with mechanical or electrical apparatuses or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams engages for compensation in any one or any combination of the following: massaging, cleaning, stimulating, manipulating, exercising, beautifying or similar work upon the scalp, face, neck, arms or bust;

(b) “Class MO - manicurist” includes cutting, trimming, polishing, coloring, tinting, cleaning or otherwise beautifying a person’s fingernails, applying artificial fingernails, massaging, cleaning a person’s hands and arms; pedicuring, which includes cutting, trimming, polishing, coloring, tinting, cleaning or otherwise beautifying a person’s toenails, applying artificial toenails, massaging and cleaning a person’s legs and feet;

(c) “Class CA - hairdressing and manicuring” includes all practices of cosmetology, as defined in paragraphs (a) and (b) of this subdivision;

(d) “Class E - estheticians” includes the use of mechanical, electrical apparatuses or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, not to exceed ten percent phenol, engages for compensation, either directly or indirectly, in any one, or any combination, of the following practices: massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work upon the scalp, face, neck, ears, arms, hands, bust, torso, legs or feet and removing superfluous hair by means other than electric needle or any other means of arching or tinting eyebrows or tinting eyelashes, of any person;

(6) “Cosmetology establishment”, that part of any building wherein or whereupon any of the classified occupations are practiced including any space rented within a licensed establishment by a person licensed

under this chapter, for the purpose of rendering cosmetology services;

(7) “Cross-over license”, a license that is issued to any person who has met the licensure and examination requirements for both barbering and cosmetology;

(8) “Hair braider”, any person who, for compensation, engages in the practice of hair braiding;

(9) “Hair braiding”, in accordance with the requirements of section 329.275, the use of techniques that result in tension on hair strands or roots by twisting, wrapping, waving, extending, locking, or braiding of the hair by hand or mechanical device, but does not include the application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair;

(10) “Hairdresser”, any person who, for compensation, engages in the practice of cosmetology as defined in paragraph (a) of subdivision (5) of this section;

(11) “Instructor”, any person who is licensed to teach cosmetology or any practices of cosmetology pursuant to this chapter;

(12) “Manicurist”, any person who, for compensation, engages in any or all of the practices in paragraph (b) of subdivision (5) of this section;

(13) “Parental consent”, the written informed consent of a minor’s parent or legal guardian that must be obtained prior to providing body waxing on or near the genitalia;

(14) “School of cosmetology” or “school of manicuring”, an establishment operated for the purpose of teaching cosmetology as defined in subdivision (5) of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 204, Page 49, Section 341.170, Line 30, by inserting after all of said section and line the following:

“374.500. As used in sections 374.500 to 374.515, the following terms mean:

(1) “Certificate”, a certificate of registration granted by the department of insurance, financial institutions and professional registration to a utilization review agent;

(2) “Director”, the director of the department of insurance, financial institutions and professional registration;

(3) “Enrollee”, an individual who has contracted for or who participates in coverage under a health insurance policy, an employee welfare benefit plan, a health services corporation plan or any other benefit program providing payment, reimbursement or indemnification for health care costs for himself or eligible dependents or both himself and eligible dependents. The term “enrollee” shall not include an individual who has health care coverage pursuant to a liability insurance policy, workers’ compensation insurance policy, or medical payments insurance issued as a supplement to a liability policy;

(4) “Provider of record”, the physician or other licensed practitioner identified to the utilization review agent as having primary responsibility for the care, treatment and services rendered to an enrollee;

(5) “Utilization review”, a set of formal techniques designed to monitor the use of, or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of, health care services, procedures, or settings.

Techniques may include ambulatory review, [prospective] **prior authorization** review, second opinion, certification, concurrent review, case management, discharge planning or retrospective review. Utilization review shall not include elective requests for clarification of coverage;

(6) “Utilization review agent”, any person or entity performing utilization review, except:

(a) An agency of the federal government;

(b) An agent acting on behalf of the federal government, but only to the extent that the agent is providing services to the federal government; or

(c) Any individual person employed or used by a utilization review agent for the purpose of performing utilization review services, including, but not limited to, individual nurses and physicians, unless such individuals are providing utilization review services to the applicable benefit plan, pursuant to a direct contractual relationship with the benefit plan;

(d) An employee health benefit plan that is self-insured and qualified pursuant to the federal Employee Retirement Income Security Act of 1974, as amended;

(e) A property-casualty insurer or an employee or agent working on behalf of a property-casualty insurer;

(f) A health carrier, as defined in section 376.1350, that is performing a review of its own health plan;

(7) “Utilization review plan”, a summary of the utilization review procedures of a utilization review agent.

376.690. 1. As used in this section, the following terms shall mean:

(1) “Emergency medical condition”, the same meaning given to such term in section 376.1350;

(2) “Facility”, the same meaning given to such term in section 376.1350;

(3) “Health care professional”, the same meaning given to such term in section 376.1350;

(4) “Health carrier”, the same meaning given to such term in section 376.1350;

(5) “Unanticipated out-of-network care”, health care services received by a patient in an in-network facility from an out-of-network health care professional from the time the patient presents with an emergency medical condition until the time the patient is discharged.

2. (1) Health care professionals [may] **shall** send any claim for charges incurred for unanticipated out-of-network care to the patient’s health carrier within one hundred eighty days of the delivery of the unanticipated out-of-network care on a U.S. Centers of Medicare and Medicaid Services Form 1500, or its successor form, or electronically using the 837 HIPAA format, or its successor.

(2) Within forty-five processing days, as defined in section 376.383, of receiving the health care professional’s claim, the health carrier shall offer to pay the health care professional a reasonable reimbursement for unanticipated out-of-network care based on the health care professional’s services. If the health care professional participates in one or more of the carrier’s commercial networks, the offer of reimbursement for unanticipated out-of-network care shall be the amount from the network which has the highest reimbursement.

(3) If the health care professional declines the health carrier’s initial offer of reimbursement, the health carrier and health care professional shall have sixty days from the date of the initial offer of reimbursement

to negotiate in good faith to attempt to determine the reimbursement for the unanticipated out-of-network care.

(4) If the health carrier and health care professional do not agree to a reimbursement amount by the end of the sixty-day negotiation period, the dispute shall be resolved through an arbitration process as specified in subsection 4 of this section.

(5) To initiate arbitration proceedings, either the health carrier or health care professional must provide written notification to the director and the other party within one hundred twenty days of the end of the negotiation period, indicating their intent to arbitrate the matter and notifying the director of the billed amount and the date and amount of the final offer by each party. A claim for unanticipated out-of-network care may be resolved between the parties at any point prior to the commencement of the arbitration proceedings. Claims may be combined for purposes of arbitration, but only to the extent the claims represent similar circumstances and services provided by the same health care professional, and the parties attempted to resolve the dispute in accordance with subdivisions (3) to (5) of this subsection.

(6) No health care professional who sends a claim to a health carrier under subsection 2 of this section shall send a bill to the patient for any difference between the reimbursement rate as determined under this subsection and the health care professional's billed charge.

3. (1) When unanticipated out-of-network care is provided, the health care professional who sends a claim to a health carrier under subsection 2 of this section may bill a patient for no more than the cost-sharing requirements described under this section.

(2) Cost-sharing requirements shall be based on the reimbursement amount as determined under subsection 2 of this section.

(3) The patient's health carrier shall inform the health care professional of its enrollee's cost-sharing requirements within forty-five processing days of receiving a claim from the health care professional for services provided.

(4) The in-network deductible and out-of-pocket maximum cost-sharing requirements shall apply to the claim for the unanticipated out-of-network care.

4. The director shall ensure access to an external arbitration process when a health care professional and health carrier cannot agree to a reimbursement under subdivision (3) of subsection 2 of this section. In order to ensure access, when notified of a parties' intent to arbitrate, the director shall randomly select an arbitrator for each case from the department's approved list of arbitrators or entities that provide binding arbitration. The director shall specify the criteria for an approved arbitrator or entity by rule. The costs of arbitration shall be shared equally between and will be directly billed to the health care professional and health carrier. These costs will include, but are not limited to, reasonable time necessary for the arbitrator to review materials in preparation for the arbitration, travel expenses and reasonable time following the arbitration for drafting of the final decision.

5. At the conclusion of such arbitration process, the arbitrator shall issue a final decision, which shall be binding on all parties. The arbitrator shall provide a copy of the final decision to the director. The initial request for arbitration, all correspondence and documents received by the department and the final arbitration decision shall be considered a closed record under section 374.071. However, the director may release aggregated summary data regarding the arbitration process. The decision of the arbitrator shall not be considered an agency decision nor shall it be considered a contested case within the meaning of section

536.010.

6. The arbitrator shall determine a dollar amount due under subsection 2 of this section between one hundred twenty percent of the Medicare-allowed amount and the seventieth percentile of the usual and customary rate for the unanticipated out-of-network care, as determined by benchmarks from independent nonprofit organizations that are not affiliated with insurance carriers or provider organizations.

7. When determining a reasonable reimbursement rate, the arbitrator shall consider the following factors if the health care professional believes the payment offered for the unanticipated out-of-network care does not properly recognize:

(1) The health care professional's training, education, or experience;

(2) The nature of the service provided;

(3) The health care professional's usual charge for comparable services provided;

(4) The circumstances and complexity of the particular case, including the time and place the services were provided; and

(5) The average contracted rate for comparable services provided in the same geographic area.

8. The enrollee shall not be required to participate in the arbitration process. The health care professional and health carrier shall execute a nondisclosure agreement prior to engaging in an arbitration under this section.

9. [This section shall take effect on January 1, 2019.

10.] The department of insurance, financial institutions and professional registration may promulgate rules and fees as necessary to implement the provisions of this section, including but not limited to procedural requirements for arbitration. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

376.1040. 1. No multiple employer self-insured health plan shall be offered or advertised to the public [generally]. No plan shall be sold, solicited, or marketed by persons or entities defined in section 375.012 or sections 376.1075 to 376.1095. **Multiple employer self-insured health plans with a certificate of authority approved by the director under section 376.1002 shall be exempt from the restrictions set forth in this section.**

**2. A health carrier acting as an administrator for a multiple employer self insured health plan shall permit any willing licensed broker to quote, sell, solicit, or market such plan to the extent permitted by this section; provided that such broker is appointed and in good standing with the health carrier and completes all required training.**

376.1042. The sale, solicitation or marketing of any plan **in violation of section 376.1040** by an agent, agency or broker shall constitute a violation of section 375.141.

**376.1345. 1. As used in this section, unless the context clearly indicates otherwise, terms shall have**

the same meaning as ascribed to them in section 376.1350.

2. No health carrier, nor any entity acting on behalf of a health carrier, shall restrict methods of reimbursement to health care providers for health care services to a reimbursement method requiring the provider to pay a fee, discount the amount of their claim for reimbursement, or remit any other form of remuneration in order to redeem the amount of their claim for reimbursement.

3. If a health carrier initiates or changes the method used to reimburse a health care provider to a method of reimbursement that will require the health care provider to pay a fee, discount the amount of its claim for reimbursement, or remit any other form of remuneration to the health carrier or any entity acting on behalf of the health carrier in order to redeem the amount of its claim for reimbursement, the health carrier or an entity acting on its behalf shall:

(1) Notify such health care provider of the fee, discount, or other remuneration required to receive reimbursement through the new or different reimbursement method; and

(2) In such notice, provide clear instructions to the health care provider as to how to select an alternative payment method, and upon request such alternative payment method shall be used to reimburse the provider until the provider requests otherwise.

4. A health carrier shall allow the provider to select to be reimbursed by an electronic funds transfer through the Automated Clearing House Network as required pursuant to 45 C.F.R. Sections 162.925, 162.1601, and 162.1602, and if the provider makes such selection, the health carrier shall use such reimbursement method to reimburse the provider until the provider requests otherwise.

5. Violation of this section shall be deemed an unfair trade practice under sections 375.930 to 375.948.

376.1350. For purposes of sections 376.1350 to 376.1390, the following terms mean:

(1) “Adverse determination”, a determination by a health carrier or [its designee] a utilization review [organization] **entity** that an admission, availability of care, continued stay or other health care service **furnished or proposed to be furnished to an enrollee** has been reviewed and, based upon the information provided, does not meet the **utilization review entity** or health carrier’s requirements for medical necessity, appropriateness, health care setting, level of care or effectiveness, **or are experimental or investigational**, and the payment for the requested service is therefore denied, reduced or terminated;

(2) “Ambulatory review”, utilization review of health care services performed or provided in an outpatient setting;

(3) “Case management”, a coordinated set of activities conducted for individual patient management of serious, complicated, protracted or other health conditions;

(4) “Certification”, a determination by a health carrier or [its designee] a utilization review [organization] **entity** that an admission, availability of care, continued stay or other health care service has been reviewed and, based on the information provided, satisfies the health carrier’s requirements for medical necessity, appropriateness, health care setting, level of care and effectiveness, **and that payment will be made for that health care service provided the patient is an enrollee of the health benefit plan at the time the service is provided**;

(5) “Clinical peer”, a physician or other health care professional who holds a nonrestricted license in a state of the United States and in the same or similar specialty as typically manages the medical condition,

procedure or treatment under review;

(6) “Clinical review criteria”, the **written policies**, written screening procedures, **drug formularies or lists of covered drugs, determination rules**, decision abstracts, clinical protocols [and], **medical protocols**, practice guidelines, **and any other criteria or rationale** used by the health carrier or **utilization review entity** to determine the necessity and appropriateness of health care services;

(7) “Concurrent review”, utilization review conducted during a patient’s hospital stay or course of treatment;

(8) “Covered benefit” or “benefit”, a health care service that an enrollee is entitled under the terms of a health benefit plan;

(9) “Director”, the director of the department of insurance, financial institutions and professional registration;

(10) “Discharge planning”, the formal process for determining, prior to discharge from a facility, the coordination and management of the care that a patient receives following discharge from a facility;

(11) “Drug”, any substance prescribed by a licensed health care provider acting within the scope of the provider’s license and that is intended for use in the diagnosis, mitigation, treatment or prevention of disease. The term includes only those substances that are approved by the FDA for at least one indication;

(12) “Emergency medical condition”, the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity, regardless of the final diagnosis that is given, that would lead a prudent lay person, possessing an average knowledge of medicine and health, to believe that immediate medical care is required, which may include, but shall not be limited to:

(a) Placing the person’s health in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain; or

(e) With respect to a pregnant woman who is having contractions:

a. That there is inadequate time to effect a safe transfer to another hospital before delivery; or

b. That transfer to another hospital may pose a threat to the health or safety of the woman or unborn child;

(13) “Emergency service”, a health care item or service furnished or required to evaluate and treat an emergency medical condition, which may include, but shall not be limited to, health care services that are provided in a licensed hospital’s emergency facility by an appropriate provider;

(14) “Enrollee”, a policyholder, subscriber, covered person or other individual participating in a health benefit plan;

(15) “FDA”, the federal Food and Drug Administration;

(16) “Facility”, an institution providing health care services or a health care setting, including but not limited to hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, skilled nursing centers, residential treatment centers, diagnostic, laboratory and imaging centers, and rehabilitation

and other therapeutic health settings;

(17) “Grievance”, a written complaint submitted by or on behalf of an enrollee regarding the:

(a) Availability, delivery or quality of health care services, including a complaint regarding an adverse determination made pursuant to utilization review;

(b) Claims payment, handling or reimbursement for health care services; or

(c) Matters pertaining to the contractual relationship between an enrollee and a health carrier;

(18) “Health benefit plan”, a policy, contract, certificate or agreement entered into, offered or issued by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services; except that, health benefit plan shall not include any coverage pursuant to liability insurance policy, workers’ compensation insurance policy, or medical payments insurance issued as a supplement to a liability policy;

(19) “Health care professional”, a physician or other health care practitioner licensed, accredited or certified by the state of Missouri to perform specified health services consistent with state law;

(20) “Health care provider” or “provider”, a health care professional or a facility;

(21) “Health care service”, a service for the diagnosis, prevention, treatment, cure or relief of a health condition, illness, injury or disease, **including but not limited to the provision of drugs or durable medical equipment**;

(22) “Health carrier”, an entity subject to the insurance laws and regulations of this state that contracts or offers to contract to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation, or any other entity providing a plan of health insurance, health benefits or health services; except that such plan shall not include any coverage pursuant to a liability insurance policy, workers’ compensation insurance policy, or medical payments insurance issued as a supplement to a liability policy;

(23) “Health indemnity plan”, a health benefit plan that is not a managed care plan;

(24) “Managed care plan”, a health benefit plan that either requires an enrollee to use, or creates incentives, including financial incentives, for an enrollee to use, health care providers managed, owned, under contract with or employed by the health carrier;

(25) “Participating provider”, a provider who, under a contract with the health carrier or with its contractor or subcontractor, has agreed to provide health care services to enrollees with an expectation of receiving payment, other than coinsurance, co-payments or deductibles, directly or indirectly from the health carrier;

(26) “Peer-reviewed medical literature”, a published scientific study in a journal or other publication in which original manuscripts have been published only after having been critically reviewed for scientific accuracy, validity and reliability by unbiased independent experts, and that has been determined by the International Committee of Medical Journal Editors to have met the uniform requirements for manuscripts submitted to biomedical journals or is published in a journal specified by the United States Department of Health and Human Services pursuant to Section 1861(t)(2)(B) of the Social Security Act (**42 U.S.C. 1395x**), as amended, as acceptable peer-reviewed medical literature. Peer-reviewed medical literature shall not



include publications or supplements to publications that are sponsored to a significant extent by a pharmaceutical manufacturing company or health carrier;

(27) “Person”, an individual, a corporation, a partnership, an association, a joint venture, a joint stock company, a trust, an unincorporated organization, any similar entity or any combination of the foregoing;

(28) **“Prior authorization”, a certification made pursuant to a prior authorization review, or notice as required by a health carrier or utilization review entity prior to the provision of health care services;**

(29) “[Prospective review] **Prior authorization review**”, utilization review conducted prior to an admission or a course of treatment, **including but not limited to pre-admission review, pre-treatment review, utilization review, and case management;**

[(29)] (30) “Retrospective review”, utilization review of medical necessity that is conducted after services have been provided to a patient, but does not include the review of a claim that is limited to an evaluation of reimbursement levels, veracity of documentation, accuracy of coding or adjudication for payment;

[(30)] (31) “Second opinion”, an opportunity or requirement to obtain a clinical evaluation by a provider other than the one originally making a recommendation for a proposed health service to assess the clinical necessity and appropriateness of the initial proposed health service;

[(31)] (32) “Stabilize”, with respect to an emergency medical condition, that no material deterioration of the condition is likely to result or occur before an individual may be transferred;

[(32)] (33) “Standard reference compendia”:

(a) The American Hospital Formulary Service-Drug Information; or

(b) The United States Pharmacopoeia-Drug Information;

[(33)] (34) “Utilization review”, a set of formal techniques designed to monitor the use of, or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of, health care services, procedures, or settings. Techniques may include ambulatory review, [prospective] **prior authorization review**, second opinion, certification, concurrent review, case management, discharge planning or retrospective review. Utilization review shall not include elective requests for clarification of coverage;

[(34)] (35) “Utilization review [organization] entity”, a utilization review agent as defined in section 374.500, **or an individual or entity that performs prior authorization reviews for a health carrier or health care provider. A health carrier or health care provider is a utilization review entity if it performs prior authorization review.**

376.1356. Whenever a health carrier contracts to have a utilization review [organization or other] entity perform the utilization review functions required by sections 376.1350 to 376.1390 or applicable rules and regulations, the health carrier shall be responsible for monitoring the activities of the utilization review [organization or] entity with which the health carrier contracts and for ensuring that the requirements of sections 376.1350 to 376.1390 and applicable rules and regulations are met.

376.1363. 1. A health carrier shall maintain written procedures for making utilization review decisions and for notifying enrollees and providers acting on behalf of enrollees of its decisions. For purposes of this section, “enrollee” includes the representative of an enrollee.

2. For [initial] determinations, a health carrier shall make the determination within thirty-six hours, which shall include one working day, of obtaining all necessary information regarding a proposed admission, procedure or service requiring a review determination. For purposes of this section, “necessary information” includes the results of any face-to-face clinical evaluation or second opinion that may be required:

(1) In the case of a determination to certify an admission, procedure or service, the carrier shall notify the provider rendering the service by telephone or electronically within twenty-four hours of making the [initial] certification, and provide written or electronic confirmation of a telephone or electronic notification to the enrollee and the provider within two working days of making the [initial] certification;

(2) In the case of an adverse determination, the carrier shall notify the provider rendering the service by telephone or electronically within twenty-four hours of making the adverse determination; and shall provide written or electronic confirmation of a telephone or electronic notification to the enrollee and the provider within one working day of making the adverse determination.

3. For concurrent review determinations, a health carrier shall make the determination within one working day of obtaining all necessary information:

(1) In the case of a determination to certify an extended stay or additional services, the carrier shall notify by telephone or electronically the provider rendering the service within one working day of making the certification, and provide written or electronic confirmation to the enrollee and the provider within one working day after telephone or electronic notification. The written notification shall include the number of extended days or next review date, the new total number of days or services approved, and the date of admission or initiation of services;

(2) In the case of an adverse determination, the carrier shall notify by telephone or electronically the provider rendering the service within twenty-four hours of making the adverse determination, and provide written or electronic notification to the enrollee and the provider within one working day of a telephone or electronic notification. The service shall be continued without liability to the enrollee until the enrollee has been notified of the determination.

4. For retrospective review determinations, a health carrier shall make the determination within thirty working days of receiving all necessary information. A carrier shall provide notice in writing of the carrier’s determination to an enrollee within ten working days of making the determination.

5. A written notification of an adverse determination shall include the principal reason or reasons for the determination, **including the clinical rationale, and** the instructions for initiating an appeal or reconsideration of the determination[, and the instructions for requesting a written statement of the clinical rationale, including the clinical review criteria used to make the determination]. A health carrier shall provide the clinical rationale in writing for an adverse determination, including the clinical review criteria used to make that determination, **to the health care provider and to** any party who received notice of the adverse determination [and who requests such information].

6. A health carrier shall have written procedures to address the failure or inability of a provider or an enrollee to provide all necessary information for review. **These procedures shall be made available to health care providers on the health carrier’s website or provider portal.** In cases where the provider or an enrollee will not release necessary information, the health carrier may deny certification of an admission, procedure or service.

**7. Provided the patient is an enrollee of the health benefit plan, no utilization review entity shall revoke, limit, condition, or otherwise restrict a prior authorization within forty-five working days of the date the health care provider receives the prior authorization.**

**8. Provided the patient is an enrollee of the health benefit plan at the time the service is provided, no health carrier, utilization review entity, or health care provider shall bill an enrollee for any health care service for which a prior authorization was in effect at the time the health care service was provided, except as consistent with cost-sharing requirements applicable to a covered benefit under the enrollee's health benefit plan. Such cost-sharing shall be subject to and applied toward any in-network deductible or out-of-pocket maximum applicable to the enrollee's health benefit plan.**

**376.1364. 1. Any utilization review entity performing prior authorization review shall provide a unique confirmation number to a provider upon receipt from that provider of a request for prior authorization. Except as otherwise requested by the provider in writing, unique confirmation numbers shall be transmitted or otherwise communicated through the same medium through which the requests for prior authorization were made.**

**2. No later than January 1, 2021, utilization review entities shall accept and respond to requests for prior authorization of drug benefits through a secure electronic transmission using the National Council for Prescription Drugs SCRIPT Standard Version 2017071 or a backwards-compatible successor adopted by the United States Department of Health and Human Services. For purposes of this subsection, facsimile, proprietary payer portals, and electronic forms shall not be considered electronic transmission.**

**3. No later than January 1, 2021, utilization review entities shall accept and respond to requests for prior authorization of health care services and mental health services electronically. For purposes of this subsection, facsimile, proprietary payer portals, and electronic forms shall not be considered electronic transmission.**

**4. No later than January 1, 2021, each health carrier utilizing prior authorization review shall develop a single secure electronic prior authorization cover page for all of its health benefit plans utilizing prior authorization review, which the carrier or its utilization review entity shall use to accept and respond to, and which providers shall use to submit, requests for prior authorization. Such cover page shall include, but not be limited to, fields for patient or enrollee information, referring or requesting provider information, rendering or attending provider information, and required clinical information, and shall be supplemented by additional clinical information as required by the health carrier or utilization review entity.**

**376.1372. 1. In the certificate of coverage and the member handbook provided to enrollees, a health carrier shall include a clear and comprehensive description of its utilization review procedures, including the procedures for obtaining review of adverse determinations, and a statement of rights and responsibilities of enrollees with respect to those procedures.**

**2. A health carrier shall include a summary of its utilization review procedures in material intended for prospective enrollees.**

**3. A health carrier shall print on its membership cards a toll-free telephone number to call for utilization review decisions.**

**4. (1) A health carrier or utilization review entity shall make any current prior authorization**

requirements or restrictions, including written clinical review criteria, readily accessible on its website or provider portal. Requirements and restrictions, including step therapy protocols as such term is defined in section 376.2030, shall be described in detail.

(2) No health carrier or utilization review entity shall amend or implement a new prior authorization requirement or restriction prior to the change being reflected on the carrier or utilization review entity's website or provider portal as specified in subdivision (1) of this subsection.

(3) Health carriers and utilization review entities shall provide participating providers with written or electronic notice of the new or amended requirement not less than sixty days prior to implementing the requirement or restriction.

376.1385. 1. Upon receipt of a request for second-level review, a health carrier shall submit the grievance to a grievance advisory panel consisting of:

(1) Other enrollees;

(2) Representatives of the health carrier that were not involved in the circumstances giving rise to the grievance or in any subsequent investigation or determination of the grievance; and

(3) Where the grievance involves an adverse determination, a majority of persons that are [appropriate] clinical peers **licensed to practice** in the same or similar specialty as would typically manage the case being reviewed that were not involved in the circumstances giving rise to the grievance or in any subsequent investigation or determination of the grievance.

2. Review by the grievance advisory panel shall follow the same time frames as a first level review, except as provided for in section 376.1389 if applicable. Any decision of the grievance advisory panel shall include notice of the enrollee's or the health carrier's or plan sponsor's rights to file an appeal with the director's office of the grievance advisory panel's decision. The notice shall contain the toll-free telephone number and address of the director's office."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 204, Page 1, Section A, Line 7, by inserting after all of said section and line the following:

**"143.980. 1. This section shall be known as the "Taxpayer Protection Act".**

**2. For the purposes of this section, the following terms shall mean:**

(1) "Department", the Missouri department of revenue;

(2) "Paid tax return preparer", a person who prepares for compensation, or who employs one or more persons to prepare for compensation, any income tax return or claim for refund required to be filed under this chapter. The preparation of a substantial portion of a return or claim for refund shall be treated as the preparation of such return or claim for refund. A paid tax return preparer shall not include any certified public accountant who holds an active license issued by any state and the employees of such certified public accountant or certified public accounting firm or an enrolled agent enrolled to practice before the federal Internal Revenue Service pursuant to 31 C.F.R. Section 10.4;

(3) "Willful or reckless conduct", the same meaning as defined under 26 U.S.C. Section 6694;

**3. For all tax years beginning on or after January 1, 2020, any income tax return or claim for refund prepared by a paid tax return preparer shall be signed by the paid tax return preparer and shall bear the paid tax return preparer's Internal Revenue Service preparer tax identification number. Any person who is the paid tax return preparer with respect to any income tax return or claim for refund and who fails to sign the return or claim for refund, or who fails to provide his or her preparer tax identification number, shall pay a penalty of fifty dollars for each such failure, unless it can be shown that the failure was due to reasonable cause and not willful or reckless conduct. The aggregate penalty that may be imposed by the department on any paid tax return preparer with respect to returns or claims for refund filed during any calendar year shall not exceed twenty-five thousand dollars per paid tax return preparer.**

**4. (1) In a court of competent jurisdiction, the director of revenue may commence suit to enjoin any paid tax return preparer from further engaging in any conduct described in subdivision (2) of this subsection, or from further action as a paid tax return preparer.**

**(2) In any action under subdivision (1) of this subsection, if the court finds that injunctive relief is appropriate to prevent the recurrence of willful or reckless conduct, the court may enjoin the paid tax return preparer from further engaging in any conduct specified in the action. The court may enjoin conduct when a paid tax return preparer has done any of the following:**

**(a) Prepared any income tax return or claim for refund that includes an understatement of a taxpayer's liability due to an unreasonable position. For purposes of this subdivision, the term "unreasonable position" shall have the same meaning as defined under 26 U.S.C. Section 6694;**

**(b) Prepared any income tax return or claim for refund that includes an understatement of a taxpayer's liability due to the paid tax return preparer's willful or reckless conduct;**

**(c) Where required, failed to sign an income tax return or claim for refund;**

**(d) Where required, failed to furnish his or her preparer tax identification number;**

**(e) Where required, failed to retain a copy of an income tax return;**

**(f) Where required by due diligence requirements imposed by department rules and regulations, failed to be diligent in determining a taxpayer's eligibility for tax benefits;**

**(g) Negotiated a check issued to a taxpayer by the department without the permission of the taxpayer;**

**(h) Engaged in any conduct subject to any criminal penalty provided under chapters 135 to 155;**

**(i) Misrepresented to the department the paid tax return preparer's eligibility to practice or otherwise misrepresented the paid tax return preparer's experience or education;**

**(j) Guaranteed the payment of any income tax refund or the allowance of any income tax credit;**  
**or**

**(k) Engaged in any other fraudulent or deceptive conduct that substantially interferes with the proper administration of the laws of this state.**

**(3) (a) If the court finds that a paid tax return preparer has continually or repeatedly engaged in any conduct described in subdivision (2) of this subsection and that an injunction prohibiting the conduct would not be sufficient to prevent the paid tax return preparer's interference with the proper**

**administration of the laws of this state, the court may enjoin the paid tax return preparer from acting as a paid tax return preparer in Missouri.**

**(b) Being enjoined from preparing tax returns or claims for refund for the United States or any other state in the five years preceding the petition for an injunction under this section shall establish a prima facie case for an injunction to be issued under this section. For purposes of this paragraph, the term “state” shall mean a state of the United States, the District of Columbia, Puerto Rico, United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.”; and**

Further amend said bill, Page 6, Section 324.035, Line 4, by inserting after all of said section and line the following;

“326.289. 1. The board may grant or renew permits to practice as a certified public accounting firm to applicants that demonstrate their qualifications in accordance with this chapter.

(1) The following shall hold a permit issued under this chapter:

(a) Any firm with an office in this state, as defined by the board by rule, offering or performing attest or compilation services; or

(b) Any firm with an office in this state that uses the title “CPA” or “CPA firm”.

(2) Any firm that does not have an office in this state may offer or perform attest or compilation services in this state without a valid permit only if it meets each of the following requirements:

(a) It complies with the qualifications described in subdivision (1) of subsection 4 of this section;

(b) It complies with the requirements of peer review as set forth in this chapter and the board’s promulgated regulations;

(c) It performs such services through an individual with practice privileges under section 326.283; and

(d) It can lawfully do so in the state where said individual with the privilege to practice has his or her principal place of business.

(3) A firm which is not subject to the requirements of subdivisions (1) or (2) of this subsection may perform other nonattest or noncompilation services while using the title “CPA” or “CPA firm” in this state without a permit issued under this section only if it:

(a) Performs such services through an individual with the privilege to practice under section 326.283; and

(b) Can lawfully do so in the state where said individual with privilege to practice has his or her principal place of business.

(4) (a) All firms practicing public accounting in this state shall register with the secretary of state.

(b) Firms which may be exempt from this requirement include:

a. Sole proprietorships;

b. Trusts created pursuant to revocable trust agreements, of which the trustee is a natural person who holds a license or privilege to practice as set forth in section 326.280, 326.283, or 326.286;

c. General partnerships not operating as a limited liability partnership; or

d. Foreign professional corporations which do not meet criteria of chapter 356 due to name or ownership, shall obtain a certificate of authority as a general corporation. Notwithstanding the provisions of chapter 356, the secretary of state may issue a certificate of authority to a foreign professional corporation which does not meet the criteria of chapter 356 due to name or ownership, if the corporation meets the requirements of this section and the rules of the board.

2. Permits shall be initially issued and renewed for periods of not more than three years or for a specific period as prescribed by board rule following issuance or renewal.

3. The board shall determine by rule the form for application and renewal of permits and shall annually determine the fees for permits and their renewals.

4. An applicant for initial issuance or renewal of a permit to practice under this section shall be required to show that:

(1) A simple majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, principals, shareholders, members or managers, belongs to licensees who are licensed in some state, and the partners, officers, principals, shareholders, members or managers, whose principal place of business is in this state and who perform professional services in this state are licensees under section 326.280 or the corresponding provision of prior law. Although firms may include nonlicensee owners, the firm and its ownership shall comply with rules promulgated by the board;

(2) Any certified public accounting firm may include owners who are not licensees provided that:

(a) The firm designates a licensee of this state, or in the case of a firm which must have a permit under this section designates a licensee of another state who meets the requirements of section 326.283, who is responsible for the proper registration of the firm and identifies that individual to the board;

(b) All nonlicensee owners are active individual participants in the certified public accounting firm or affiliated entities;

(c) All owners are of good moral character; and

(d) The firm complies with other requirements as the board may impose by rule;

(3) Any licensee who is responsible for supervising attest services, or signs or authorizes someone to sign the licensee's report on the financial statements on behalf of the firm, shall meet competency requirements as determined by the board by rule which shall include one year of experience in addition to the experience required under subdivision (6) of subsection 1 of section 326.280 and shall be verified by a licensee. The additional experience required by this subsection shall include experience in attest work supervised by a licensee.

5. An applicant for initial issuance or renewal of a permit to practice shall register each office of the firm within this state with the board and show that all attest and compilation services rendered in this state are under the charge of a licensee.

6. No licensee or firm holding a permit under this chapter shall use a professional or firm name or designation that is misleading as to:

(1) The legal form of the firm;

(2) The persons who are partners, officers, members, managers or shareholders of the firm; or

(3) Any other matter.

The names of one or more former partners, members or shareholders may be included in the name of a firm or its successor unless the firm becomes a sole proprietorship because of the death or withdrawal of all other partners, officers, members or shareholders. A firm may use a fictitious name if the fictitious name is registered with the board and is not otherwise misleading. The name of a firm shall not include the name or initials of an individual who is not a present or a past partner, member or shareholder of the firm or its predecessor. The name of the firm shall not include the name of an individual who is not a licensee.

7. Applicants for initial issuance or renewal of permits shall list in their application all states in which they have applied for or hold permits as certified public accounting firms and list any past denial, revocation, suspension or any discipline of a permit by any other state. Each holder of or applicant for a permit under this section shall notify the board in writing within thirty days after its occurrence of any change in the identities of partners, principals, officers, shareholders, members or managers whose principal place of business is in this state; any change in the number or location of offices within this state; any change in the identity of the persons in charge of such offices; and any issuance, denial, revocation, suspension or any discipline of a permit by any other state.

8. Firms which fall out of compliance with the provisions of this section due to changes in firm ownership or personnel after receiving or renewing a permit shall take corrective action to bring the firm back into compliance as quickly as possible. The board may grant a reasonable period of time for a firm to take such corrective action. Failure to bring the firm back into compliance within a reasonable period as defined by the board may result in the suspension or revocation of the firm permit.

9. The board shall require by rule, as a condition to the renewal of permits, that firms undergo, no more frequently than once every three years, peer reviews conducted in a manner as the board shall specify. The review shall include a verification that individuals in the firm who are responsible for supervising attest and compilation services or sign or authorize someone to sign the accountant's report on the financial statements on behalf of the firm meet the competency requirements set out in the professional standards for such services, provided that any such rule:

(1) Shall include reasonable provision for compliance by a firm showing that it has within the preceding three years undergone a peer review that is a satisfactory equivalent to peer review generally required under this subsection;

(2) May require, with respect to peer reviews, that peer reviews be subject to oversight by an oversight body established or sanctioned by board rule, which shall periodically report to the board on the effectiveness of the review program under its charge and provide to the board a listing of firms that have participated in a peer review program that is satisfactory to the board; and

(3) Shall require, with respect to peer reviews, that the peer review processes be operated and documents maintained in a manner designed to preserve confidentiality, and that the board or any third party other than the oversight body shall not have access to documents furnished or generated in the course of the peer review of the firm except as provided in subdivision (2) of this subsection.

10. The board may, by rule, charge a fee for oversight of peer reviews, provided that the fee charged shall be substantially equivalent to the cost of oversight. **Notwithstanding any other provision in this section, the board may obtain the following information regarding peer review from any approved American Institute for Certified Public Accountants peer review program:**

**(1) The firm's name and address;**



**(2) The firm's dates of enrollment in the program;**

**(3) The date of acceptance and the period covered by the firm's most recently accepted peer review; and**

**(4) If applicable, whether the firm's enrollment in the program has been dropped or terminated.**

11. In connection with proceedings before the board or upon receipt of a complaint involving the licensee performing peer reviews, the board shall not have access to any documents furnished or generated in the course of the performance of the peer reviews except for peer review reports, letters of comment and summary review memoranda. The documents shall be furnished to the board only in a redacted manner that does not specifically identify any firm or licensee being peer reviewed or any of their clients.

12. The peer review processes shall be operated and the documents generated thereby be maintained in a manner designed to preserve their confidentiality. No third party, other than the oversight body, the board, subject to the provisions of subsection 11 of this section, or the organization performing peer review shall have access to documents furnished or generated in the course of the review. All documents shall be privileged and closed records for all purposes and all meetings at which the documents are discussed shall be considered closed meetings under subdivision (1) of section 610.021. The proceedings, records and workpapers of the board and any peer review subjected to the board process shall be privileged and shall not be subject to discovery, subpoena or other means of legal process or introduction into evidence at any civil action, arbitration, administrative proceeding or board proceeding. No member of the board or person who is involved in the peer review process shall be permitted or required to testify in any civil action, arbitration, administrative proceeding or board proceeding as to any matters produced, presented, disclosed or discussed during or in connection with the peer review process or as to any findings, recommendations, evaluations, opinions or other actions of such committees or any of its members; provided, however, that information, documents or records that are publicly available shall not be subject to discovery or use in any civil action, arbitration, administrative proceeding or board proceeding merely because they were presented or considered in connection with the peer review process.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 204, Page 49, Section 341.170, Line 30, by inserting after all of said line the following:

“382.010. As used in sections 382.010 to 382.300, the following words and terms have the meanings indicated unless the context clearly requires otherwise:

(1) An “affiliate” of, or person “affiliated” with, a specific person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified;

(2) “Control”, “controlling”, “controlled by”, or “under common control with”, the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with power to vote, or holds proxies representing, ten percent or more of the voting

securities of any other person. This presumption may be rebutted by a showing made in the manner provided by section 382.170 that control does not exist in fact. The director may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect;

(3) “Director”, the director of the department of insurance, financial institutions and professional registration, his or her deputies, or the department of insurance, financial institutions and professional registration, as appropriate;

(4) “Enterprise risk”, any activity, circumstance, event, or series of events involving one or more affiliates of an insurer that, if not remedied promptly, is likely to have a material adverse effect upon the financial condition or liquidity of the insurer or its insurance holding company system as a whole including, but not limited to, anything that would cause the insurer’s risk-based capital to fall into company action level as set forth in section 375.1255 or would cause the insurer to be in hazardous financial condition as set forth in section 375.539;

(5) **“Group-wide supervisor”, the regulatory official authorized to engage in conducting and coordinating group-wide supervisory activities who is determined or acknowledged by the director, under section 382.227, to have sufficient significant contacts with the internationally active insurance group;**

(6) “Insurance holding company system”, two or more affiliated persons, one or more of which is an insurer;

[(6)] (7) “Insurer”, an insurance company as defined in section 375.012, including a reciprocal or interinsurance exchange, and which is qualified and licensed by the department of insurance, financial institutions and professional registration of Missouri to transact the business of insurance in this state; but it shall not include any company organized and doing business under chapter 377, 378, or 380, agencies, authorities, or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state;

[(7)] (8) **“Internationally active insurance group”, an insurance holding company system that includes an insurer registered under sections 382.100 to 382.180, and meets the following criteria:**

**(a) Premiums written in at least three countries;**

**(b) The percentage of gross premiums written outside the United States is at least ten percent of the insurance holding company system’s total gross written premiums; and**

**(c) Based on a three-year rolling average, the total assets of the insurance holding company system are at least fifty billion dollars, or the total gross written premiums of the insurance holding company system are at least ten billion dollars;**

(9) “Person”, an individual, corporation, limited liability company, partnership, association, joint stock company, trust, unincorporated organization, or any similar entity, or any combination of the foregoing acting in concert, but shall not include any joint venture partnership exclusively engaged in owning, managing, leasing, or developing real or tangible personal property;

[(8)] (10) A “securityholder” of a specified person is one who owns any security of that person, including common stock, preferred stock, debt obligations, and any other security convertible into or evidencing the right to acquire any of the foregoing;

**[(9)] (11)** A “subsidiary” of a specified person is an affiliate controlled by that person directly, or indirectly through one or more intermediaries;

**[(10)] (12)** The term “voting security” includes any security convertible into or evidencing a right to acquire a voting security.

**382.227. 1.** The director is authorized to act as the group-wide supervisor for any internationally active insurance group in accordance with the provisions of this section. However, the director may otherwise acknowledge another regulatory official as the group-wide supervisor if the internationally active insurance group:

**(1)** Does not have substantial insurance operations in the United States;

**(2)** Has substantial insurance operations in the United States but not in this state; or

**(3)** Has substantial insurance operations in the United States and in this state but the director has determined, pursuant to the factors set forth in subsections 3 and 9 of this section, that another regulatory official is the appropriate group-wide supervisor.

**2.** An insurance holding company system that does not otherwise qualify as an internationally active insurance group may request that the director make a determination or acknowledgment as to a group-wide supervisor pursuant to this section.

**3.** In cooperation with other state, federal, and international regulatory agencies, the director shall identify a single group-wide supervisor for an internationally active insurance group. The director may determine that the director is the appropriate group-wide supervisor for an internationally active insurance group that conducts substantial insurance operations concentrated in this state. However, the director may acknowledge that a regulatory official from another jurisdiction is the appropriate group-wide supervisor for the internationally active insurance group. The director shall consider the following factors when making a determination or acknowledgment under this subsection:

**(1)** The domicile of the insurers within the internationally active insurance group that hold the largest share of the internationally active insurance group’s written premiums, assets, or liabilities;

**(2)** The domicile of the top-tiered insurers in the insurance holding company system of the internationally active insurance group;

**(3)** The location of the executive offices or largest operational offices of the internationally active insurance group;

**(4)** Whether another regulatory official is acting as or is seeking to act as the group-wide supervisor under a regulatory system that the director determines to be:

**(a)** Substantially similar to the system of regulation provided under the laws of this state; or

**(b)** Otherwise sufficient in terms of providing for group-wide supervision, enterprise risk analysis, and cooperation with other regulatory officials; and

**(5)** Whether another regulatory official acting or seeking to act as the group-wide supervisor provides the director with reasonably reciprocal recognition and cooperation.

**4.** A director identified under this section as the group-wide supervisor may determine that it is appropriate to acknowledge another regulatory official to serve as the group-wide supervisor. The acknowledgment of the group-wide supervisor shall be made after consideration of the factors listed

in subdivisions (1) to (5) of subsection 3 of this section, and shall be made in cooperation with and subject to the acknowledgment of other regulatory officials involved with supervision of members of the internationally active insurance group, and in consultation with the internationally active insurance group.

5. Notwithstanding any other provision of the law, when another regulatory official is acting as the group-wide supervisor of an internationally active insurance group, the director shall acknowledge that regulatory official as the group-wide supervisor, subject to subsection 6 of this section. In the event of a material change in the internationally active insurance group that results in either the internationally active insurance group's insurers domiciled in this state holding the largest share of the internationally active insurance group's premiums, assets, or liabilities, or this state being the domicile of the top-tiered insurers in the insurance holding company system of the internationally active insurance group, the director shall make a determination or acknowledgment as to the appropriate group-wide supervisor for such an internationally active insurance group under subsections 3 and 4 of this section.

6. In the event of a dispute as to the proper regulatory official to act as group-wide supervisor, a determination by the director not to acknowledge the current group-wide supervisor shall be made only after notice and a public hearing, and such determination shall be accompanied by specific findings of fact and conclusions of law including, but not limited to, application of the factors listed in subdivisions (1) to (5) of subsection 3 of this section.

7. Under section 382.220, the director is authorized to collect from any insurer registered under sections 382.100 to 382.180 all information necessary to determine whether the director may act as the group-wide supervisor of an internationally active insurance group or if the director may acknowledge another regulatory official to act as the group-wide supervisor. Prior to issuing a determination that an internationally active insurance group is subject to group-wide supervision by the director, the director shall notify the insurer registered under sections 382.100 to 382.180 and the ultimate controlling person within the internationally active insurance group. The internationally active insurance group shall have not less than thirty days to provide the director with additional information pertinent to the pending determination. The director shall publish on the department's website the identity of internationally active insurance groups that the director has determined are subject to group-wide supervision by the director.

8. If the director is the group-wide supervisor for an internationally active insurance group, the director is authorized to engage in any of the following group-wide supervisory activities:

(1) Assess the enterprise risks within the internationally active insurance group to ensure that:

(a) The material financial condition and liquidity risks to the members of the internationally active insurance group that are engaged in the business of insurance are identified by management; and

(b) Reasonable and effective mitigation measures are in place;

(2) Request, from any member of an internationally active insurance group subject to the director's supervision, information necessary and appropriate to assess enterprise risk including, but not limited to, information about the members of the internationally active insurance group regarding:

**(a) Governance, risk assessment, and management;**

**(b) Capital adequacy; and**

**(c) Material intercompany transactions;**

**(3) Coordinate and, through the authority of the regulatory officials of the jurisdictions where members of the internationally active insurance group are domiciled, compel development and implementation of reasonable measures designed to ensure that the internationally active insurance group is able to timely recognize and mitigate enterprise risks to members of such internationally active insurance group that are engaged in the business of insurance;**

**(4) Communicate with other state, federal, and international regulatory agencies for members within the internationally active insurance group and share relevant information subject to the confidentiality provisions of section 382.230, through supervisory colleges as set forth in section 382.226 or otherwise;**

**(5) Enter into agreements with or obtain documentation from any insurer registered under sections 382.100 to 382.180, any member of the internationally active insurance group, and any other state, federal, and international regulatory agencies for members of the internationally active insurance group, providing the basis for or otherwise clarifying the director's role as group-wide supervisor, including provisions for resolving disputes with other regulatory officials. Such agreements or documentation shall not serve as evidence in any proceeding that any insurer or person within an insurance holding company system not domiciled or incorporated in this state is doing business in this state or is otherwise subject to jurisdiction in this state; and**

**(6) Other group-wide supervision activities, consistent with the authorities and purposes enumerated in this subsection, as considered necessary by the director.**

**9. If the director acknowledges that another regulatory official from a jurisdiction that is not accredited by the National Association of Insurance Commissioners is the group-wide supervisor, the director is authorized to reasonably cooperate, through supervisory colleges or otherwise, with group-wide supervision undertaken by the group-wide supervisor, provided that:**

**(1) The director's cooperation is in compliance with the laws of this state; and**

**(2) The regulatory official acknowledged as the group-wide supervisor also recognizes and cooperates with the director's activities as a group-wide supervisor for other internationally active insurance groups where applicable. Where such recognition and cooperation are not reasonably reciprocal, the director is authorized to refuse recognition and cooperation.**

**10. The director is authorized to enter into agreements with, or obtain documentation from, any insurer registered under sections 382.100 to 382.180, any affiliate of the insurer, and other state, federal, and international regulatory agencies, regarding members of the internationally active insurance group, which provides the basis for or otherwise clarifies a regulatory official's role as group-wide supervisor.**

**11. The director may promulgate regulations necessary for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are**

**nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.**

**12. An insurer registered under sections 382.100 to 382.180 and subject to this section shall be liable for and shall pay the reasonable expenses of the director's participation in the administration of this section, including the engagements of attorneys, actuaries, and any other professionals and all reasonable travel expenses.**

382.230. 1. All information, documents and copies thereof in the possession or control of the director that are obtained by or disclosed to the director or any other person in the course of an examination or investigation made under section 382.220 and all information reported **or provided to the director** under subdivisions (13) and (14) of subsection 1 of section 382.050 [and] , sections 382.100 to 382.210, **and section 382.227** shall be given confidential treatment and privileges; shall not be subject to the provisions of chapter 610; shall not be subject to subpoena; shall not be made public by the director, the National Association of Insurance Commissioners, or any other person, except to the chief insurance regulatory official of other states; and shall not be subject to discovery or admissible as evidence in any private civil action. However, the director is authorized to use the documents, materials, or other information in furtherance of any regulatory or legal action brought as a part of the director's official duties. The director shall not otherwise make the documents, materials, or other information public without the prior written consent of the insurer to which it pertains unless the director, after giving the insurer and its affiliates who would be affected thereby, notice and opportunity to be heard, determines that the interests of policyholders, shareholders or the public will be served by the publication thereof, in which event the director may publish all or any part thereof in such manner as he or she may deem appropriate.

2. Neither the director nor any person who receives documents, materials, or other information while acting under the authority of the director or with whom such documents, materials, or other information is shared under sections 382.010 to 382.300 shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or other information subject to subsection 1 of this section.

3. In order to assist in the performance of the director's duties, the director:

(1) May share documents, materials, or other information including the confidential and privileged documents, materials, or other information subject to subsection 1 of this section with other state, federal, and international financial regulatory agencies, with the National Association of Insurance Commissioners and its affiliates and subsidiaries, and with state, federal, and international law enforcement authorities including members of any supervisory college described in section 382.225; provided that the recipient agrees in writing to maintain the confidentiality and privileged status of such documents, materials, or other information, and has verified in writing the legal authority to maintain confidentiality;

(2) Notwithstanding the provisions of subsection 1 of this section and subdivision (1) of this subsection, may share confidential and privileged documents, materials, or other information reported under section 382.175 only with the directors of states having statutes or regulations substantially similar to subsection 1 of this section and who have agreed in writing not to disclose such information;

(3) May receive documents, materials, or other information including otherwise confidential and privileged documents, materials, or information from the National Association of Insurance Commissioners

and its affiliates and subsidiaries and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any documents, materials, or other information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or other information; and

(4) Shall enter into a written agreement with the National Association of Insurance Commissioners governing sharing and use of information provided under sections 382.010 to 382.300 consistent with this subsection that shall:

(a) Specify procedures and protocols regarding the confidentiality and security of information shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries under sections 382.010 to 382.300 including procedures and protocols for sharing by the National Association of Insurance Commissioners with other state, federal, and international regulators;

(b) Specify that ownership of information shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries under sections 382.010 to 382.300 remains with the director and that the National Association of Insurance Commissioners' use of such information is subject to the direction of the director;

(c) Require prompt notice to be given to an insurer whose confidential information in the possession of the National Association of Insurance Commissioners under sections 382.010 to 382.300 is subject to a request or subpoena to the National Association of Insurance Commissioners for disclosure or production; and

(d) Require the National Association of Insurance Commissioners and its affiliates and subsidiaries to consent to intervention by an insurer in any judicial or administrative action in which the National Association of Insurance Commissioners and its affiliates and subsidiaries may be required to disclose confidential information about the insurer shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries under sections 382.010 to 382.300.

4. The sharing of information by the director under sections 382.010 to 382.300 shall not constitute a delegation of regulatory or rulemaking authority, and the director is solely responsible for the administration, execution, and enforcement of the provisions of sections 382.010 to 382.300.

5. No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or other information shall occur as a result of disclosure of such documents, materials, or other information to the director under this section or as a result of sharing as authorized in sections 382.010 to 382.300.

6. Documents, materials, or other information in the possession or control of the National Association of Insurance Commissioners under sections 382.010 to 382.300 shall be confidential by law and privileged, shall not be subject to disclosure under chapter 610, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 204, Page 1, Section A, Line 7, by inserting after said section and line the following:

**“21.790. 1. There is hereby established the “Task Force on Substance Abuse Prevention and**

**Treatment”. The task force shall be composed of six members from the house of representatives, six members from the senate, and four members appointed by the governor. The senate members of the task force shall be appointed by the president pro tempore of the senate and the house members by the speaker of the house of representatives. There shall be at least two members from the minority party of the senate and at least two members from the minority party of the house of representatives. The members appointed by the governor shall include one member from the health care industry, one member who is a first responder or law enforcement officer, one member who is a member of the judiciary or a prosecuting attorney, and one member representing a substance abuse prevention advocacy group.**

**2. The task force shall select a chairperson and a vice-chairperson, one of whom shall be a member of the senate and one a member of the house of representatives. A majority of the members shall constitute a quorum. The task force shall meet at least once during each legislative session and at all other times as the chairperson may designate.**

**3. The task force shall:**

**(1) Conduct hearings on current and estimated future drug and substance use and abuse within the state;**

**(2) Explore solutions to substance abuse issues; and**

**(3) Draft or modify legislation as necessary to effectuate the goals of finding and funding education and treatment solutions to curb drug and substance use and abuse.**

**4. The task force may make reasonable requests for staff assistance from the research and appropriations staffs of the senate and house of representatives and the joint committee on legislative research. In the performance of its duties, the task force may request assistance or information from all branches of government and state departments, agencies, boards, commissions, and offices.**

**5. The task force shall report annually to the general assembly and the governor. The report shall include recommendations for legislation pertaining to substance abuse prevention and treatment.**

**191.1164. 1. Sections 191.1164 to 191.1168 shall be known and may be cited as the**

**“Ensuring Access to High Quality Care for the Treatment of Substance Use Disorders Act”.**

**2. As used in sections 191.1164 to 191.1168, the following terms shall mean:**

**(1) “Behavioral therapy”, an individual, family, or group therapy designed to help patients engage in the treatment process, modify their attitudes and behaviors related to substance use, and increase healthy life skills;**

**(2) “Department of insurance”, the department that has jurisdiction regulating health insurers;**

**(3) “Financial requirements”, deductibles, co-payments, coinsurance, or out-of-pocket maximums;**

**(4) “Health care professional”, a physician or other health care practitioner licensed, accredited, or certified by the state of Missouri to perform specified health services;**

**(5) “Health insurance plan”, an individual or group plan that provides, or pays the cost of, health care items or services;**

**(6) “Health insurer”, any person or entity that issues, offers, delivers, or administers a health**



insurance plan;

(7) “Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA)”, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 found at 42 U.S.C. 300gg-26 and its implementing and related regulations found at 45 CFR 146.136, 45 CFR 147.160, and 45 CFR 156.115;

(8) “Nonquantitative treatment limitation” or “NQTL”, any limitation on the scope or duration of treatment that is not expressed numerically;

(9) “Pharmacologic therapy”, a prescribed course of treatment that may include methadone, buprenorphine, naltrexone, or other FDA-approved or evidence-based medications for the treatment of substance use disorder;

(10) “Pharmacy benefits manager”, an entity that contracts with pharmacies on behalf of health carriers or any health plan sponsored by the state or a political subdivision of the state;

(11) “Prior authorization”, the process by which the health insurer or the pharmacy benefits manager determines the medical necessity of otherwise covered health care services prior to the rendering of such health care services. “Prior authorization” also includes any health insurer’s or utilization review entity’s requirement that a subscriber or health care provider notify the health insurer or utilization review entity prior to receiving or providing a health care service;

(12) “Quantitative treatment limitation” or “QTL”, numerical limits on the scope or duration of treatment, which include annual, episode, and lifetime day and visit limits;

(13) “Step therapy”, a protocol or program that establishes the specific sequence in which prescription drugs for a medical condition that are medically appropriate for a particular patient are authorized by a health insurer or prescription drug management company;

(14) “Urgent health care service”, a health care service with respect to which the application of the time period for making a non-expedited prior authorization, in the opinion of a physician with knowledge of the enrollee’s medical condition:

(a) Could seriously jeopardize the life or health of the subscriber or the ability of the enrollee to regain maximum function; or

(b) Could subject the enrollee to severe pain that cannot be adequately managed without the care or treatment that is the subject of the utilization review.

3. For the purpose of this section, “urgent health care service” shall include services provided for the treatment of substance use disorders.

191.1165. 1. Medication-assisted treatment (MAT) shall include pharmacologic therapies. A formulary used by a health insurer or managed by a pharmacy benefits manager, or medical benefit coverage in the case of medications dispensed through an opioid treatment program, shall include:

(1) Buprenorphine tablets;

(2) Methadone;

(3) Naloxone;

(4) Extended-release injectable naltrexone; and

**(5) Buprenorphine/naloxone combination.**

**2. All MAT medications required for compliance in this section shall be placed on the lowest cost-sharing tier of the formulary managed by the health insurer or the pharmacy benefits manager.**

**3. MAT medications provided for in this section shall not be subject to any of the following:**

**(1) Any annual or lifetime dollar limitations;**

**(2) Financial requirements and quantitative treatment limitations that do not comply with the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA), specifically 45 CFR 146.136(c)(3);**

**(3) Step therapy or other similar drug utilization strategy or policy when it conflicts or interferes with a prescribed or recommended course of treatment from a licensed health care professional; and**

**(4) Prior authorization for MAT medications as specified in this section.**

**4. MAT medications outlined in this section shall apply to all health insurance plans delivered in the state of Missouri.**

**5. Any entity that holds itself out as a treatment program or that applies for licensure by the state to provide clinical treatment services for substance use disorders shall be required to disclose the MAT services it provides, as well as which of its levels of care have been certified by an independent, national, or other organization that has competencies in the use of the applicable placement guidelines and level of care standards.**

**6. The MO HealthNet program shall cover the MAT medications and services provided for in this section and include those MAT medications in its preferred drug lists for the treatment of substance use disorders and prevention of overdose and death. The preferred drug list shall include all current and new formulations and medications that are approved by the U.S. Food and Drug Administration for the treatment of substance use disorders.**

**7. Drug courts or other diversion programs that provide for alternatives to jail or prison for persons with a substance use disorder shall be required to ensure all persons under their care are assessed for substance use disorders using standard diagnostic criteria by a licensed physician who actively treats patients with substance use disorders. The court or other diversion program shall make available the MAT services covered under this section, consistent with a treatment plan developed by the physician, and shall not impose any limitations on the type of medication or other treatment prescribed or the dose or duration of MAT recommended by the physician.**

**8. Requirements under this section shall not be subject to a covered person's prior success or failure of the services provided.**

**191.1167. Any contract provision, written policy, or written procedure in violation of sections 191.1164 to 191.1168 shall be deemed to be unenforceable and shall be null and void.**

**191.1168. If any provision of sections 191.1164 to 191.1168 or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of sections 191.1164 to 191.1168 which may be given effect without the invalid provision or application, and to that end the provisions of sections 191.1164 to 191.1168 are severable.”; and**

Further amend said bill, Page 2, Section 193.015, Line 42, by inserting after said section and line the

following:

“195.060. 1. Except as provided in subsection 4 of this section, a pharmacist, in good faith, may sell and dispense controlled substances to any person only upon a prescription of a practitioner as authorized by statute, provided that the controlled substances listed in Schedule V may be sold without prescription in accordance with regulations of the department of health and senior services. All written prescriptions shall be signed by the person prescribing the same, **except for electronic prescriptions**. All prescriptions shall be dated on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is prescribed, and the full name, address, and the registry number under the federal controlled substances laws of the person prescribing, if he or she is required by those laws to be so registered. If the prescription is for an animal, it shall state the species of the animal for which the drug is prescribed. The person filling the prescription shall either write the date of filling and his or her own signature on the prescription or retain the date of filling and the identity of the dispenser as electronic prescription information. The prescription or electronic prescription information shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this law. No prescription for a drug in Schedule I or II shall be filled more than six months after the date prescribed; no prescription for a drug in Schedule I or II shall be refilled; no prescription for a drug in Schedule III or IV shall be filled or refilled more than six months after the date of the original prescription or be refilled more than five times unless renewed by the practitioner.

2. A pharmacist, in good faith, may sell and dispense controlled substances to any person upon a prescription of a practitioner located in another state, provided that the:

(1) Prescription was issued according to and in compliance with the applicable laws of that state and the United States; and

(2) Quantity limitations in subsection 4 of section 195.080 apply to prescriptions dispensed to patients located in this state.

3. The legal owner of any stock of controlled substances in a pharmacy, upon discontinuance of dealing in such drugs, may sell the stock to a manufacturer, wholesaler, or pharmacist, but only on an official written order.

4. A pharmacist, in good faith, may sell and dispense any Schedule II drug or drugs to any person in emergency situations as defined by rule of the department of health and senior services upon an oral prescription by an authorized practitioner.

5. Except where a bona fide physician-patient-pharmacist relationship exists, prescriptions for narcotics or hallucinogenic drugs shall not be delivered to or for an ultimate user or agent by mail or other common carrier.

195.080. 1. Except as otherwise provided in this chapter and chapter 579, this chapter and chapter 579 shall not apply to the following cases: prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that this chapter and chapter 579 shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

2. Unless otherwise provided in sections 334.037, 334.104, and 334.747, a practitioner, other than a

veterinarian, shall not issue an initial prescription for more than a seven-day supply of any opioid controlled substance upon the initial consultation and treatment of a patient for acute pain. Upon any subsequent consultation for the same pain, the practitioner may issue any appropriate renewal, refill, or new prescription in compliance with the general provisions of this chapter and chapter 579. Prior to issuing an initial prescription for an opioid controlled substance, a practitioner shall consult with the patient regarding the quantity of the opioid and the patient's option to fill the prescription in a lesser quantity and shall inform the patient of the risks associated with the opioid prescribed. If, in the professional medical judgment of the practitioner, more than a seven-day supply is required to treat the patient's acute pain, the practitioner may issue a prescription for the quantity needed to treat the patient; provided, that the practitioner shall document in the patient's medical record the condition triggering the necessity for more than a seven-day supply and that a nonopioid alternative was not appropriate to address the patient's condition. The provisions of this subsection shall not apply to prescriptions for opioid controlled substances for a patient who is currently undergoing treatment for cancer **or sickle cell disease**, is receiving hospice care from a hospice certified under chapter 197 or palliative care, is a resident of a long-term care facility licensed under chapter 198, or is receiving treatment for substance abuse or opioid dependence.

3. A pharmacist or pharmacy shall not be subject to disciplinary action or other civil or criminal liability for dispensing or refusing to dispense medication in good faith pursuant to an otherwise valid prescription that exceeds the prescribing limits established by subsection 2 of this section.

4. Unless otherwise provided in this section, the quantity of Schedule II controlled substances prescribed or dispensed at any one time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of this chapter and chapter 579. The supply limitations provided in this subsection may be increased up to three months if the physician describes on the prescription form or indicates via telephone, fax, or electronic communication to the pharmacy to be entered on or attached to the prescription form the medical reason for requiring the larger supply. The supply limitations provided in this subsection shall not apply if:

(1) The prescription is issued by a practitioner located in another state according to and in compliance with the applicable laws of that state and the United States and dispensed to a patient located in another state; or

(2) The prescription is dispensed directly to a member of the United States Armed Forces serving outside the United States.

5. The partial filling of a prescription for a Schedule II substance is permissible as defined by regulation by the department of health and senior services.”; and

Further amend said bill, Page 3, Section 195.100, Line 26, by inserting after all of said section and line the following:

**“195.550. 1. Notwithstanding any other provision of this section or any other law to the contrary, beginning January 1, 2021, no person shall issue any prescription in this state for any Schedule II, III, or IV controlled substance unless the prescription is made by electronic prescription from the person issuing the prescription to a pharmacy, except for prescriptions:**

**(1) Issued by veterinarians;**

**(2) Issued in circumstances where electronic prescribing is not available due to temporary**

technological or electrical failure;

(3) Issued by a practitioner to be dispensed by a pharmacy located outside the state;

(4) Issued when the prescriber and dispenser are the same entity;

(5) Issued that include elements that are not supported by the most recently implemented version of the National Council for Prescription Drug Programs Prescriber/Pharmacist Interface SCRIPT Standard;

(6) Issued by a practitioner for a drug that the federal Food and Drug Administration requires the prescription to contain certain elements that are not able to be accomplished with electronic processing;

(7) Issued by a practitioner allowing for the dispensing of a nonpatient specific prescription pursuant to a standing order, approved protocol for drug therapy, collaborative drug management or comprehensive medication management, in response to a public health emergency, or other circumstances where the practitioner may issue a nonpatient specific prescription;

(8) Issued by a practitioner prescribing a drug under a research protocol;

(9) Issued by practitioners who have received an annual waiver, or a renewal thereof, from the requirement to use electronic prescribing, pursuant to a process established in regulation by the department of health and senior services, due to economic hardship, technological limitations, or other exceptional circumstances demonstrated by the practitioner;

(10) Issued by a practitioner under circumstances where, notwithstanding the practitioner's present ability to make an electronic prescription as required by this subsection, such practitioner reasonably determines that it would be impractical for the patient to obtain substances prescribed by electronic prescription in a timely manner, and such delay would adversely impact the patient's medical condition; or

(11) Issued where the patient specifically requests a written prescription.

2. A pharmacist who receives a written, oral, or faxed prescription is not required to verify that the prescription properly falls under one of the exceptions from the requirement to electronically prescribe. Pharmacists may continue to dispense medications from otherwise valid written, oral, or fax prescriptions that are consistent with state and federal laws and regulations.

3. An individual who violates the provisions of this section may be subject to discipline by his or her professional licensing board.

196.100. 1. Any manufacturer, packer, distributor or seller of drugs or devices in this state shall comply with the current federal labeling requirements contained in the Federal Food, Drug and Cosmetic Act, as amended, and any federal regulations promulgated thereunder. Any drug or device which contains labeling that is not in compliance with the provisions of this section shall be deemed misbranded.

2. A drug dispensed on **an electronic prescription** or a written prescription signed by a licensed physician, dentist, or veterinarian, except a drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to a diagnosis by mail, shall be exempt from the requirements of this section if such physician, dentist, or veterinarian is licensed by law to administer such drug, and such drug bears a label containing the name and place of business of the dispenser, the serial number and date of such

prescription, and the name of such physician, dentist, or veterinarian.

3. The department is hereby directed to promulgate regulations exempting from any labeling or packaging requirement of sections 196.010 to 196.120, drugs and devices which are, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such drugs and devices are not adulterated or misbranded under the provisions of said sections upon removal from such processing, labeling, or repacking establishment.

208.790. 1. The applicant shall have or intend to have a fixed place of residence in Missouri, with the present intent of maintaining a permanent home in Missouri for the indefinite future. The burden of establishing proof of residence within this state is on the applicant. The requirement also applies to persons residing in long-term care facilities located in the state of Missouri.

2. The department shall promulgate rules outlining standards for documenting proof of residence in Missouri. Documents used to show proof of residence shall include the applicant's name and address in the state of Missouri.

3. Applicant household income limits for eligibility shall be subject to appropriations, but in no event shall applicants have household income that is greater than one hundred eighty-five percent of the federal poverty level for the applicable family size for the applicable year as converted to the MAGI equivalent net income standard. [The provisions of this subsection shall only apply to Medicaid dual eligible individuals.]

4. The department shall promulgate rules outlining standards for documenting proof of household income.

221.111. 1. A person commits the offense of possession of unlawful items in a prison or jail if such person knowingly delivers, attempts to deliver, possesses, deposits, or conceals in or about the premises of any correctional center as the term "correctional center" is defined under section 217.010, or any city, county, or private jail:

(1) Any controlled substance as that term is defined by law, except upon the written **or electronic** prescription of a licensed physician, dentist, or veterinarian;

(2) Any other alkaloid of any kind or any intoxicating liquor as the term intoxicating liquor is defined in section 311.020;

(3) Any article or item of personal property which a prisoner is prohibited by law, by rule made pursuant to section 221.060, or by regulation of the department of corrections from receiving or possessing, except as herein provided;

(4) Any gun, knife, weapon, or other article or item of personal property that may be used in such manner as to endanger the safety or security of the institution or as to endanger the life or limb of any prisoner or employee thereof.

2. The violation of subdivision (1) of subsection 1 of this section shall be a class D felony; the violation of subdivision (2) of this section shall be a class E felony; the violation of subdivision (3) of this section shall be a class A misdemeanor; and the violation of subdivision (4) of this section shall be a class B felony.

3. The chief operating officer of a county or city jail or other correctional facility or the administrator of a private jail may deny visitation privileges to or refer to the county prosecuting attorney for prosecution any person who knowingly delivers, attempts to deliver, possesses, deposits, or conceals in or about the

premises of such jail or facility any personal item which is prohibited by rule or regulation of such jail or facility. Such rules or regulations, including a list of personal items allowed in the jail or facility, shall be prominently posted for viewing both inside and outside such jail or facility in an area accessible to any visitor, and shall be made available to any person requesting such rule or regulation. Violation of this subsection shall be an infraction if not covered by other statutes.

4. Any person who has been found guilty of a violation of subdivision (2) of subsection 1 of this section involving any alkaloid shall be entitled to expungement of the record of the violation. The procedure to expunge the record shall be pursuant to section 610.123. The record of any person shall not be expunged if such person has been found guilty of knowingly delivering, attempting to deliver, possessing, depositing, or concealing any alkaloid of any controlled substance in or about the premises of any correctional center, or city or county jail, or private prison or jail.”; and

Further amend said bill, Page 8, Section 329.050, Line 79, by inserting after said section and line the following:

“332.361. 1. **For purposes of this section, the following terms shall mean:**

(1) **“Acute pain”, shall have the same meaning as in section 195.010;**

(2) **“Long-acting or extended-release opioids”, formulated in such a manner as to make the contained medicament available over an extended period of time following ingestion.**

2. Any duly registered and currently licensed dentist in Missouri may write, and any pharmacist in Missouri who is currently licensed under the provisions of chapter 338 and any amendments thereto, may fill any prescription of a duly registered and currently licensed dentist in Missouri for any drug necessary or proper in the practice of dentistry, provided that no such prescription is in violation of either the Missouri or federal narcotic drug act.

[2.] 3. Any duly registered and currently licensed dentist in Missouri may possess, have under his control, prescribe, administer, dispense, or distribute a “controlled substance” as that term is defined in section 195.010 only to the extent that:

(1) The dentist possesses the requisite valid federal and state registration to distribute or dispense that class of controlled substance;

(2) The dentist prescribes, administers, dispenses, or distributes the controlled substance in the course of his professional practice of dentistry, and for no other reason;

(3) A bona fide dentist-patient relationship exists; and

(4) The dentist possesses, has under his control, prescribes, administers, dispenses, or distributes the controlled substance in accord with all pertinent requirements of the federal and Missouri narcotic drug and controlled substances acts, including the keeping of records and inventories when required therein.

**4. Long-acting or extended-release opioids shall not be used for the treatment of acute pain. If in the professional judgement of the dentist, a long-acting or extended-release opioid is necessary to treat the patient, the dentist shall document and explain in the patient’s dental record the reason for the necessity for the long-acting or extended-release opioid.**

**5. Dentists shall avoid prescribing doses greater than fifty morphine milligram equivalent (MME) per day for treatment of acute pain. If in the professional judgement of the dentist, doses greater than**

**fifty MME are necessary to treat the patient, the dentist shall document and explain in the patient's dental record the reason for the necessity for the dose greater than fifty MME. The relative potency of opioids is represented by a value assigned to individual opioids known as a morphine milligram equivalent (MME). The MME value represents how many milligrams of a particular opioid is equivalent to one milligram of morphine. The Missouri dental board shall maintain a MME conversion chart and instructions for calculating MME on its website to assist licensees with calculating MME.”; and**

Further amend said bill, Page 46, Section 338.010, Lines 16 - 17, by inserting after the words “use of drugs and devices” the following:

**“the prescribing and dispensing of any nicotine replacement therapy product under section 338.665”;** and

Further amend said bill, page, section, Line 19, by inserting after the words “unless he” the following:

**“or she”;** and

Further amend said bill, Page 49, section, Line 103, by inserting after the said section and line the following:

“338.015. 1. The provisions of sections 338.010 to 338.015 shall not be construed to inhibit the patient's freedom of choice to obtain prescription services from any licensed pharmacist. However, nothing in sections 338.010 to 338.315 abrogates the patient's ability to waive freedom of choice under any contract with regard to payment or coverage of prescription expense.

2. All pharmacists may provide pharmaceutical consultation and advice to persons concerning the safe and therapeutic use of their prescription drugs.

3. All patients shall have the right to receive a written prescription from their prescriber to take to the facility of their choice **or to have an electronic prescription transmitted to the facility of their choice.**

338.055. 1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section or if the designated pharmacist-in-charge, manager-in-charge, or any officer, owner, manager, or controlling shareholder of the applicant has committed any act or practice in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for



any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license, or diploma from any school;

(8) Denial of licensure to an applicant or disciplinary action against an applicant or the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency, or country whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, surrender of the license upon grounds for which denial or discipline is authorized in this state;

(9) A person is finally adjudged incapacitated by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice under this chapter;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(16) The intentional act of substituting or otherwise changing the content, formula or brand of any drug prescribed by written, **electronic**, or oral prescription without prior written or oral approval from the prescriber for the respective change in each prescription; provided, however, that nothing contained herein shall prohibit a pharmacist from substituting or changing the brand of any drug as provided under section 338.056, and any such substituting or changing of the brand of any drug as provided for in section 338.056 shall not be deemed unprofessional or dishonorable conduct unless a violation of section 338.056 occurs;

(17) Personal use or consumption of any controlled substance unless it is prescribed, dispensed, or administered by a health care provider who is authorized by law to do so.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the

provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit. The board may impose additional discipline on a licensee, registrant, or permittee found to have violated any disciplinary terms previously imposed under this section or by agreement. The additional discipline may include, singly or in combination, censure, placing the licensee, registrant, or permittee named in the complaint on additional probation on such terms and conditions as the board deems appropriate, which additional probation shall not exceed five years, or suspension for a period not to exceed three years, or revocation of the license, certificate, or permit.

4. If the board concludes that a licensee or registrant has committed an act or is engaging in a course of conduct which would be grounds for disciplinary action which constitutes a clear and present danger to the public health and safety, the board may file a complaint before the administrative hearing commission requesting an expedited hearing and specifying the activities which give rise to the danger and the nature of the proposed restriction or suspension of the licensee's or registrant's license. Within fifteen days after service of the complaint on the licensee or registrant, the administrative hearing commission shall conduct a preliminary hearing to determine whether the alleged activities of the licensee or registrant appear to constitute a clear and present danger to the public health and safety which justify that the licensee's or registrant's license or registration be immediately restricted or suspended. The burden of proving that the actions of a licensee or registrant constitute a clear and present danger to the public health and safety shall be upon the state board of pharmacy. The administrative hearing commission shall issue its decision immediately after the hearing and shall either grant to the board the authority to suspend or restrict the license or dismiss the action.

5. If the administrative hearing commission grants temporary authority to the board to restrict or suspend the licensee's or registrant's license, such temporary authority of the board shall become final authority if there is no request by the licensee or registrant for a full hearing within thirty days of the preliminary hearing. The administrative hearing commission shall, if requested by the licensee or registrant named in the complaint, set a date to hold a full hearing under the provisions of chapter 621 regarding the activities alleged in the initial complaint filed by the board.

6. If the administrative hearing commission dismisses the action filed by the board pursuant to subsection 4 of this section, such dismissal shall not bar the board from initiating a subsequent action on the same grounds.

338.056. 1. Except as provided in subsection 2 of this section, the pharmacist filling prescription orders for drug products prescribed by trade or brand name may select another drug product with the same active chemical ingredients of the same strength, quantity and dosage form, and of the same generic drug or interchangeable biological product type, as determined by the United States Adopted Names and accepted by the Federal Food and Drug Administration. Selection pursuant to this section is within the discretion of the pharmacist, except as provided in subsection 2 of this section. The pharmacist who selects the drug or interchangeable biological product to be dispensed pursuant to this section shall assume the same responsibility for selecting the dispensed drug or biological product as would be incurred in filling a prescription for a drug or interchangeable biological product prescribed by generic or interchangeable biologic name. The pharmacist shall not select a drug or interchangeable biological product pursuant to this section unless the product selected costs the patient less than the prescribed product.

2. A pharmacist who receives a prescription for a brand name drug or biological product may select a less expensive generically equivalent or interchangeable biological product unless:

(1) The patient requests a brand name drug or biological product; or

(2) The prescribing practitioner indicates that substitution is prohibited or displays “brand medically necessary”, “dispense as written”, “do not substitute”, “DAW”, or words of similar import on the prescription.

3. No prescription shall be valid without the signature of the prescriber, **except an electronic prescription.**

4. If an oral prescription is involved, the practitioner or the practitioner’s agent, communicating the instructions to the pharmacist, shall instruct the pharmacist as to whether or not a therapeutically equivalent generic drug or interchangeable biological product may be substituted. The pharmacist shall note the instructions on the file copy of the prescription.

5. Notwithstanding the provisions of subsection 2 of this section to the contrary, a pharmacist may fill a prescription for a brand name drug by substituting a generically equivalent drug or interchangeable biological product when substitution is allowed in accordance with the laws of the state where the prescribing practitioner is located.

6. Violations of this section are infractions.

338.095. 1. The terms “prescription” and “prescription drug order” are hereby defined as a lawful order for medications or devices issued and signed by an authorized prescriber within the scope of his professional practice which is to be dispensed or administered by a pharmacist or dispensed or administered pursuant to section 334.104 to and for the ultimate user. The terms “prescription” and “drug order” do not include an order for medication requiring a prescription to be dispensed, which is provided for the immediate administration to the ultimate user or recipient.

2. The term “telephone prescription” is defined as an order for medications or devices transmitted to a pharmacist by telephone or similar electronic medium by an authorized prescriber or his authorized agent acting in the course of his professional practice which is to be dispensed or administered by a pharmacist or dispensed or administered pursuant to section 334.104 to and for the ultimate user. A telephone prescription shall be promptly reduced to written or electronic medium by the pharmacist and shall comply with all laws governing prescriptions and record keeping.

3. A licensed pharmacist may lawfully provide prescription or medical information to a licensed health care provider or his agent who is legally qualified to administer medications and treatments and who is involved in the treatment of the patient. The information may be derived by direct contact with the prescriber or through a written protocol approved by the prescriber. Such information shall authorize the provider to administer appropriate medications and treatments.

4. Nothing in this section shall be construed to limit the authority of other licensed health care providers to prescribe, administer, or dispense medications and treatments within the scope of their professional practice.

5. It shall be an unauthorized practice of pharmacy and hence unlawful for any person other than a **board licensee or registrant**, the patient, or the patient’s authorized representative to accept a prescription presented to be dispensed unless that person is located on a premises licensed by the board as a pharmacy.

338.140. 1. The board of pharmacy shall have a common seal, and shall have power to adopt such rules and bylaws not inconsistent with law as may be necessary for the regulation of its proceedings and for the discharge of the duties imposed pursuant to sections 338.010 to 338.198, and shall have power to employ an attorney to conduct prosecutions or to assist in the conduct of prosecutions pursuant to sections 338.010 to 338.198.

2. The board shall keep a record of its proceedings.

3. The board of pharmacy shall make annually to the governor and, upon written request, to persons licensed pursuant to the provisions of this chapter a written report of its proceedings.

4. The board of pharmacy shall appoint an advisory committee composed of six members, one of whom shall be a representative of pharmacy but who shall not be a member of the pharmacy board, three of whom shall be representatives of wholesale drug distributors as defined in section 338.330, one of whom shall be a representative of drug manufacturers, and one of whom shall be a licensed veterinarian recommended to the board of pharmacy by the board of veterinary medicine. The committee shall review and make recommendations to the board on the merit of all rules and regulations dealing with pharmacy distributors, wholesale drug distributors, drug manufacturers, and veterinary legend drugs which are proposed by the board.

5. A majority of the board shall constitute a quorum for the transaction of business.

6. Notwithstanding any other provisions of law to the contrary, the board may issue letters of reprimand, censure or warning to any holder of a license or registration required pursuant to this chapter for any violations that could result in disciplinary action as defined in section 338.055. **Alternatively, at the discretion of the board, the board may enter into a voluntary compliance agreement with a licensee, permit holder, or registrant to ensure or promote compliance with this chapter and the rules of the board, in lieu of board discipline. The agreement shall be a public record. The time limitation identified in section 324.043 for commencing a disciplinary proceeding shall be tolled while an agreement authorized by this section is in effect.**

**338.143. 1. For purposes of this section, the following terms shall mean:**

**(1) “Remote medication dispensing”, dispensing or assisting in the dispensing of medication outside of a licensed pharmacy;**

**(2) “Technology assisted verification”, the verification of medication or prescription information using a combination of scanning technology and visual confirmation by a pharmacist.**

**2. The board of pharmacy may approve, modify, and establish requirements for pharmacy pilot or demonstration research projects related to technology assisted verification or remote medication dispensing that are designed to enhance patient care or safety, improve patient outcomes, or expand access to pharmacy services.**

**3. To be approved, pilot or research projects shall be within the scope of the practice of pharmacy as defined by chapter 338, be under the supervision of a Missouri licensed pharmacist, and comply with applicable compliance and reporting as established by the board by rule, including any staff training or education requirements. Board approval shall be limited to a period of up to eighteen months, provided the board grant an additional six month extension if deemed necessary or appropriate to gather or complete research data or if deemed in the best interests of the patient. The**

board may rescind approval of a pilot project at any time if deemed necessary or appropriate in the interest of patient safety.

4. The provisions of this subsection shall expire on August 28, 2023. The board shall provide a final report on approved projects and related data or findings to the general assembly on or before December 31, 2022. The name, location, approval dates, general description of and responsible pharmacist for an approved pilot or research project shall be deemed an open record.

338.665. 1. For the purposes of this chapter, “nicotine replacement therapy product” means any drug or product, regardless of whether it is available over-the-counter, that delivers small doses of nicotine to a person and that is approved by the federal Food and Drug Administration for the sole purpose of aiding in tobacco cessation or smoking cessation.

2. The board of pharmacy and the board of healing arts shall jointly promulgate rules governing a pharmacist’s authority to prescribe and dispense nicotine replacement therapy products. Neither board shall separately promulgate rules governing a pharmacist’s authority to prescribe and dispense nicotine replacement therapy products under this subsection.

3. Nothing in this section shall be construed to require third party payment for services described in this section.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 204, Page 1, Section A, Line 7, by inserting after all of said section and line the following:

“191.603. As used in sections 191.600 to 191.615, the following terms shall mean:

(1) “Areas of defined need”, areas designated by the department pursuant to section 191.605, when services of a physician, **including a psychiatrist**, chiropractor, or dentist are needed to improve the patient-health professional ratio in the area, to contribute health care professional services to an area of economic impact, or to contribute health care professional services to an area suffering from the effects of a natural disaster;

(2) “Chiropractor”, a person licensed and registered pursuant to chapter 331;

(3) “Department”, the department of health and senior services;

(4) “General dentist”, dentists licensed and registered pursuant to chapter 332 engaged in general dentistry and who are providing such services to the general population;

(5) “Primary care physician”, physicians licensed and registered pursuant to chapter 334 engaged in

general or family practice, internal medicine, pediatrics or obstetrics and gynecology as their primary specialties, and who are providing such primary care services to the general population;

**(6) “Psychiatrist”, the same meaning as in section 632.005.**

191.605. The department shall designate counties, communities, or sections of urban areas as areas of defined need for medical, **psychiatric**, chiropractic, or dental services when such county, community or section of an urban area has been designated as a primary care health professional shortage area, **a mental health care professional shortage area**, or a dental health care professional shortage area by the federal Department of Health and Human Services, or has been determined by the director of the department of health and senior services to have an extraordinary need for health care professional services, without a corresponding supply of such professionals.

191.607. The department shall adopt and promulgate regulations establishing standards for determining eligible persons for loan repayment pursuant to sections 191.600 to 191.615. These standards shall include, but are not limited to the following:

(1) Citizenship or permanent residency in the United States;

(2) Residence in the state of Missouri;

(3) Enrollment as a full-time medical student in the final year of a course of study offered by an approved educational institution or licensed to practice medicine or osteopathy pursuant to chapter 334, **including psychiatrists**;

(4) Enrollment as a full-time dental student in the final year of course study offered by an approved educational institution or licensed to practice general dentistry pursuant to chapter 332;

(5) Enrollment as a full-time chiropractic student in the final year of course study offered by an approved educational institution or licensed to practice chiropractic medicine pursuant to chapter 331;

(6) Application for loan repayment.

198.082. 1. Each **certified** nursing assistant hired to work in a skilled nursing or intermediate care facility after January 1, 1980, shall have successfully completed a nursing assistant training program approved by the department or shall enroll in and begin the first available approved training program which is scheduled to commence within ninety days of the date of the **certified** nursing assistant’s employment and which shall be completed within four months of employment. Training programs shall be offered at any facility licensed [or approved] by the department of health and senior services; **any skilled nursing or intermediate care unit in a Missouri veterans home, as defined in section 42.002; or any hospital, as defined in section 197.020. Training programs shall be** [which is most] reasonably accessible to the enrollees in each class. The program may be established by [the] **a** skilled nursing or intermediate care facility, **unit, or hospital**; by a professional organization[.]; or by the department, and training shall be given by the personnel of the facility, **unit, or hospital**; by a professional organization[.]; by the department[.]; by any community college; or by the vocational education department of any high school.

2. As used in this section the term “**certified** nursing assistant” means an employee[,] **who has completed the training required under subsection 1 of this section, who has passed the certification exam, and** [including a nurse’s aide or an orderly,] who is assigned by a skilled nursing or intermediate care facility, **unit, or hospital** to provide or assist in the provision of direct resident health care services under the supervision of a nurse licensed under the nursing practice law, chapter 335.

3. This section shall not apply to any person otherwise **regulated or** licensed to perform health care services under the laws of this state. It shall not apply to volunteers or to members of religious or fraternal orders which operate and administer the facility, if such volunteers or members work without compensation.

[3.] 4. The training program [after January 1, 1989, shall consist of at least the following:

(1) A training program consisting] **requirements shall be defined in regulation by the department and shall require** [of] at least seventy-five classroom hours of training [on basic nursing skills, clinical practice, resident safety and rights, the social and psychological problems of residents, and the methods of handling and caring for mentally confused residents such as those with Alzheimer's disease and related disorders,] and one hundred hours supervised and on-the-job training. **On-the-job training sites shall include supervised practical training in a laboratory or other setting in which the trainee demonstrates knowledge while performing tasks on an individual under the direct supervision of a registered nurse or a licensed practical nurse.** The [one hundred hours] training shall be completed within four months of employment and may consist of normal employment as nurse assistants **or hospital nursing support staff** under the supervision of a licensed nurse[; and

(2) Continuing in-service training to assure continuing competency in existing and new nursing skills. All nursing assistants trained prior to January 1, 1989, shall attend, by August 31, 1989, an entire special retraining program established by rule or regulation of the department which shall contain information on methods of handling mentally confused residents and which may be offered on premises by the employing facility].

[4.] 5. **Certified nursing** [Nursing] assistants who have not successfully completed the nursing assistant training program prior to employment may begin duties as a **certified** nursing assistant [only after completing an initial twelve hours of basic orientation approved by the department] and may provide direct resident care only if under the [general] **direct** supervision of a licensed nurse prior to completion of the seventy-five classroom hours of the training program.

6. **The competency evaluation shall be performed in a facility, as defined in 42 CFR Sec. 483.5, or laboratory setting comparable to the setting in which the individual shall function as a certified nursing assistant.**

7. **Persons completing the training requirements of unlicensed assistive personnel under 19 CSR 30-20.125 or its successor regulation, and who have completed the competency evaluation, shall be allowed to sit for the certified nursing assistant examination and be deemed to have fulfilled the classroom and clinical standards for designation as a certified nursing assistant.**

8. **The department of health and senior services may offer additional training programs and certifications to students who are already certified as nursing assistants according to regulations promulgated by the department and curriculum approved by the board.”; and**

Further amend said bill, Page 39, Section 334.749, Line 43, by inserting after all of said section and line the following:

“335.175. 1. No later than January 1, 2014, there is hereby established within the state board of registration for the healing arts and the state board of nursing the “Utilization of Telehealth by Nurses”. An advanced practice registered nurse (APRN) providing nursing services under a collaborative practice arrangement under section 334.104 may provide such services outside the geographic proximity requirements of section 334.104 if the collaborating physician and advanced practice registered nurse utilize

telehealth in the care of the patient and if the services are provided in a rural area of need. Telehealth providers shall be required to obtain patient consent before telehealth services are initiated and ensure confidentiality of medical information.

2. As used in this section, “telehealth” shall have the same meaning as such term is defined in section 191.1145.

3. (1) The boards shall jointly promulgate rules governing the practice of telehealth under this section. Such rules shall address, but not be limited to, appropriate standards for the use of telehealth.

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

4. For purposes of this section, “rural area of need” means any rural area of this state which is located in a health professional shortage area as defined in section 354.650.

[5. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2013, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Bill No. 204, Page 1, Line 1, by inserting after the number “204,” the following:

“Page 3, Section 195.100, Line 26, by inserting after all of said section and line the following:

**“208.226. 1. No restrictions to access shall be imposed that preclude availability of any individual antipsychotic medication.**

**2. The provisions of this section shall not prohibit the division from utilizing clinical edits to ensure clinical best practices including, but not limited to:**

**(1) Drug safety and avoidance of harmful drug interactions;**

**(2) Compliance with nationally recognized and juried clinical guidelines from national medical associations using medical evidence and emphasizing best practice principles;**

**(3) Detection of patients receiving prescription drugs from multiple prescribers; and**

**(4) Detection, prevention, and treatment of substance use disorders.**



**3. The division shall issue a provider update no less than twice annually to enumerate treatment and utilization principles for MO HealthNet providers including, but not limited to:**

**(1) Treatment with antipsychotic drugs, as with any other form of treatment, should be individualized in order to optimize the patient's recovery and stability;**

**(2) Treatment with antipsychotic drugs should be as effective, safe, and well-tolerated as supported by best medical evidence;**

**(3) Treatment with antipsychotic drugs should consider the individual patient's needs, preferences, and vulnerabilities;**

**(4) Treatment with antipsychotic drugs should support an improved quality of life for the patient; and**

**(5) Treatment choices should be informed by the best current medical evidence and should be updated consistent with evolving nationally recognized best practice guidelines.**

**4. If the division implements any new policy or clinical edit for an antipsychotic drug, the division shall continue to allow MO HealthNet participants access to any antipsychotic drug that they utilize and on which they are stable or that they have successfully utilized previously. The division may recommend a resource list with no restrictions to access.**

208.227. 1. [No restrictions to access shall be imposed that preclude availability of any individual atypical antipsychotic monotherapy for the treatment of schizophrenia, bipolar disorder, or psychosis associated with severe depression.] The division shall establish a pharmaceutical case management or polypharmacy program for high risk MO HealthNet participants with numerous or multiple prescribed drugs. The division shall also establish a behavioral health pharmacy and opioid surveillance program to encourage the use of best medical evidence-supported prescription practices. The division shall communicate with providers, as such term is defined in section 208.164, whose prescribing practices deviate from or do not otherwise utilize best medical evidence-supported prescription practices. The communication may be telemetric, written, oral, or some combination thereof. These programs shall be established and administered through processes established and supported under a memorandum of understanding between the department of mental health and the department of social services, or their successor entities.

2. The provisions of this section shall not prohibit the division from utilizing clinical edits to ensure clinical best practices including, but not limited to:

(1) Drug safety and avoidance of harmful drug interactions;

(2) Compliance with nationally recognized and juried clinical guidelines from national medical associations using medical evidence and emphasizing best practice principles;

(3) Detection of patients receiving prescription drugs from multiple prescribers; and

(4) Detection, prevention, and treatment of substance use disorders.

3. [The division shall issue a provider update no less than twice annually to enumerate treatment and utilization principles for MO HealthNet providers including, but not limited to:

(1) Treatment with antipsychotic drugs, as with any other form of treatment, should be individualized in order to optimize the patient's recovery and stability;

(2) Treatment with antipsychotic drugs should be as effective, safe, and well-tolerated as supported by

best medical evidence;

(3) Treatment with antipsychotic drugs should consider the individual patient's needs, preferences, and vulnerabilities;

(4) Treatment with antipsychotic drugs should support an improved quality of life for the patient;

(5) Treatment choices should be informed by the best current medical evidence and should be updated consistent with evolving nationally recognized best practice guidelines; and

(6) Cost considerations in the context of best practices, efficacy, and patient response to adverse drug reactions should guide antipsychotic medication policy and selection once the preceding principles have been maximally achieved.

4. If the division implements any new policy or clinical edit for an antipsychotic drug, the division shall continue to allow MO HealthNet participants access to any antipsychotic drug that they utilize and on which they are stable or that they have successfully utilized previously. The division shall adhere to the following:

(1) If an antipsychotic drug listed as "nonpreferred" is considered clinically appropriate for an individual patient based on the patient's previous response to the drug or other medical considerations, prior authorization procedures, as such term is defined in section 208.164, shall be simple and flexible;

(2) If an antipsychotic drug listed as "nonpreferred" is known or found to be safe and effective for a given individual, the division shall not restrict the patient's access to that drug. Such nonpreferred drug shall, for that patient only and if that patient has been reasonably adherent to the prescribed therapy, be considered "preferred" in order to minimize the risk of relapse and to support continuity of care for the patient;

(3) A patient shall not be required to change antipsychotic drugs due to changes in medication management policy, prior authorization, or a change in the payor responsible for the benefit; and

(4) Patients transferring from state psychiatric hospitals to community-based settings, including patients previously found to be not guilty of a criminal offense by reason of insanity or who have previously been found to be incompetent to stand trial, shall be permitted to continue the medication regimen that aided the stability and recovery so that such patient was able to successfully transition to the community-based setting.

5. The division's medication policy and clinical edits shall provide MO HealthNet participants initial access to multiple Food and Drug Administration-approved antipsychotic drugs that have substantially the same clinical differences and adverse effects that are predictable across individual patients and whose manufacturers have entered into a federal rebate agreement with the Department of Health and Human Services. Clinical differences may include, but not be limited to, weight gain, extrapyramidal side effects, sedation, susceptibility to metabolic syndrome, other substantial adverse effects, the availability of long-acting formulations, and proven efficacy in the treatment of psychosis. The available drugs for an individual patient shall include, but not be limited to, the following categories:

(1) At least one relatively weight-neutral atypical antipsychotic medication;

(2) At least one long-acting injectable formulation of an atypical antipsychotic;

(3) Clozapine;

(4) At least one atypical antipsychotic medication with relatively potent sedative effects;

- (5) At least one medium-potency typical antipsychotic medication;
- (6) At least one long-acting injectable formulation of a high-potency typical antipsychotic medication;
- (7) At least one high-potency typical antipsychotic medication; and
- (8) At least one low-potency typical antipsychotic medication.

6. Nothing in subsection 5 of this section shall be construed to require any of the following:

- (1) Step therapy or a trial of a typical antipsychotic drug before permitting a patient access to an atypical drug or antipsychotic medication;
- (2) A limit of one atypical antipsychotic drug as an open-access, first-choice agent; or
- (3) A trial of one of the eight categories of drugs listed in subsection 5 of this section before having access to the other seven categories.

7.] The department of social services may promulgate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void.

[8.] 4. The department shall submit such state plan amendments and waivers to the Centers for Medicare and Medicaid Services of the federal Department of Health and Human Services as the department determines are necessary to implement the provisions of this section.

[9. As used in this section, the following terms mean:

- (1) “Division”, the MO HealthNet division of the department of social services;
- (2) “Reasonably adherent”, a patient’s adherence to taking medication on a prescribed schedule as measured by a medication position ratio of at least seventy-five percent;
- (3) “Successfully utilized previously”, a drug or drug regimen’s provision of clinical stability in treating a patient’s symptoms.]”; and

“Further amend said bill,”;and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Bill No. 204, Page 1, Section A, Line 7, by inserting after all of said section and line the following:

**“190.256. 1. The board of registration for the healing arts shall work with certifying entities, as defined in section 334.735, to establish educational programs for an emergency medical technician-paramedic, as defined in section 190.100, to receive the education and training needed to become a physician assistant, as defined in section 334.735. The education and training programs shall be consistent with the educational requirements of the certifying entities’ requirements for physician**

**assistants. The educational and training programs shall recognize and give credit for any relevant education and training received by the emergency medical technician-paramedic.**

**2. The board shall establish the education and training programs by July 1, 2020.**

**3. The board shall allow any state university to provide the curriculum established by the board for the education and training programs.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Bill No. 204, Page 3, Line 8, by inserting the following after all of said line:

“Further amend said bill, Page 3, Section 195.100, Line 26, by inserting the following after all of said line:

“311.020. The term “intoxicating liquor” as used in this chapter shall mean and include alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverage purposes, containing in excess of one-half of one percent by volume. **The term “intoxicating liquor” shall include “powdered alcohol”, which means alcohol that is prepared in a powdered, crystalline, or capsule form either for direct use or for reconstitution; “powdered alcohol” shall also include gum or candy infused with powdered or other alcohol.** All beverages having an alcoholic content of less than one-half of one percent by volume shall be exempt from the provisions of this chapter[, but subject to inspection as provided by sections 196.365 to 196.445].”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 21**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS for SB 54**, as amended, and grants the Senate a conference thereon

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS for SB 36**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **HCS** for **HB 677** and has taken up and passed **SS** for **HCS** for **HB 677**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **HCS No. 2** for **HB 499**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 133**, and has taken up and passed **CCS** for **HCS** for **SB 133**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 36**, as amended. Representatives: Ross, Helms, Billington, Brown (27), Lavender.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 54**, as amended. Representatives: Muntzel, Roden, Porter, Clemens, Chappelle-Nadal.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 330**.

With House Amendment Nos. 1, 2, House Amendment No. 2 to House Amendment No. 3, House Amendment No. 3 to House Amendment No. 3, House Amendment No. 3, as amended and House Amendment No. 4.

#### HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 330, Page 1, In the Title , Lines 2-3, by deleting the phrase “special license plates” and inserting in lieu thereof the word “utilities”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 330, Page 3, Section 301.3067, Line 37, by inserting after all of said section and line the following:

“523.262. 1. Except as set forth in subsection 2 of this section, the power of eminent domain shall only be vested in governmental bodies or agencies whose governing body is elected or whose governing body is appointed by elected officials or in an urban redevelopment corporation operating pursuant to a

redevelopment agreement with the municipality for a particular redevelopment area, which agreement was executed prior to or on December 31, 2006.

2. A private utility company, public utility, rural electric cooperative, municipally owned utility, pipeline, railroad or common carrier shall have the power of eminent domain as may be granted pursuant to the provisions of other sections of the revised statutes of Missouri. For the purposes of this section, the term “common carrier” shall not include motor carriers, contract carriers, or express companies. Where a condemnation by such an entity results in a displaced person, as defined in section 523.200, the provisions of subsections 3 and 6 to 10 of section 523.205 shall apply unless the condemning entity is subject to the relocation assistance provisions of the federal Uniform Relocation Assistance Act.

3. Any entity with the power of eminent domain and pursuing the acquisition of property for the purpose of constructing a power generation facility after December 31, 2006, after providing notice in a newspaper of general circulation in the county where the facility is to be constructed, shall conduct a public meeting disclosing the purpose of the proposed facility prior to making any offer to purchase property in pursuit thereof or, alternatively, shall provide the property owner with notification of the identity of the condemning authority and the proposed purpose for which the condemned property shall be used at the time of making the initial offer.

**4. (1) Private entities shall not have the power of eminent domain under the provisions of this section for the purposes of constructing above-ground merchant lines.**

**(2) For the purpose of this subsection, the following terms mean:**

**(a) “Merchant line”, a high-voltage direct current electric transmission line that does not provide for the erection of electric substations at intervals of less than fifty miles, which substations are necessary to accommodate both the purchase and sale to persons located in this state of electricity generated or transmitted by the private entity; and**

**(b) “Private entity”, a utility company that does not provide service to end-use customers, provide retail service in Missouri, or collect its costs to provide service under a regional transmission organization tariff, regardless of whether it has received a certificate of convenience and necessity from the public service commission under section 393.170.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2 TO HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to Senate Committee Substitute for Senate Bill No. 330, Page 1, Line 1, by inserting after the number “330,” the following:

“Page 1, Section A, Line 2, by inserting after said section and line the following:

“247.200. 1. The district shall have the right to lay its mains in public highways, roads, streets and alleys included in the district, but the same shall be done under reasonable rules and regulations of governmental bodies having jurisdiction of such public places. This shall apply to maintenance and repair jobs. In the construction of ditches, laying of mains, filling of ditches after mains are laid, connection of service pipes and repairing of lines, due regard must be taken of the rights of the public in its use of thoroughfares and the equal rights of other utilities thereto.

**2. No district shall require a secondary deposit from commercial property owners. For the purposes of this subsection, a commercial property is a property that is zoned for commercial use by the zoning authority that has jurisdiction over the property.**

**3. If a water meter has been removed from a property or if services to a property have been discontinued, no future charges may be made to the customer for service to that property.**

**247.285. 1. No metropolitan water supply district shall require a secondary deposit from commercial property owners. For the purposes of this subsection, a commercial property is a property that is zoned for commercial use by the zoning authority that has jurisdiction over the property.**

**2. If a water meter has been removed from a property or if services to a property have been discontinued, no future charges shall be made to the customer for service to that property. Any charges made after service is discontinued or the water meter is removed shall be credited to the customer and applied toward any future charges to such customer by the metropolitan water supply district.”; and**

Further amend said bill,”; and

Further amend said amendment and page, Line 27, by deleting the word “**storage**” and inserting in lieu thereof the words “**critical infrastructure**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3 TO  
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to Senate Committee Substitute for Senate Bill No. 330, Page 1, Line 4, by inserting before the number “**569.086.**” the following:

“386.135. 1. The commission shall have an independent technical advisory staff of up to six full-time employees. The advisory staff shall have expertise in accounting, economics, finance, engineering/utility operations, law, or public policy.

2. In addition, each commissioner shall also have the authority to retain one personal advisor, who shall be deemed a member of the technical advisory staff. The personal advisors will serve at the pleasure of the individual commissioner whom they serve and shall possess expertise in one or more of the following fields: accounting, economics, finance, engineering/utility operations, law, or public policy.

3. The commission shall only hire technical advisory staff pursuant to subsections 1 and 2 of this section if there is a corresponding elimination in comparable staff positions for commission staff to offset the hiring of such technical advisory staff on a cost-neutral basis. [Such technical advisory staff shall be hired on or before July 1, 2005.]

4. It shall be the duty of the technical advisory staff to render advice and assistance to the commissioners and the commission’s administrative law judges on technical matters within their respective areas of expertise that may arise during the course of proceedings before the commission.

5. The technical advisory staff shall also update the commission and the commission’s administrative law judges periodically on developments and trends in public utility regulation, including updates comparing the use, nature, and effect of various regulatory practices and procedures as employed by the

commission and public utility commissions in other jurisdictions.

6. Each member of the technical advisory staff shall be subject to any applicable ex parte or conflict of interest requirements in the same manner and to the same degree as any commissioner, provided that neither any person regulated by, appearing before, or employed by the commission shall be permitted to offer such member a different appointment or position during that member's tenure on the technical advisory staff.

7. No employee of a company or corporation regulated by the public service commission, no employee of the office of public counsel or the public counsel, and no staff members of either the utility operations division or utility services division who were an employee or staff member on, during the two years immediately preceding, or anytime after August 28, 2003, may be a member of the commission's technical advisory staff for two years following the termination of their employment with the corporation, office of public counsel or commission staff member.

8. The technical advisory staff shall never be a party to any case before the commission.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 330, Page 3, Section 301.3067, Line 37, by inserting after said section and line the following:

**“569.086. 1. As used in this section, “critical infrastructure facility” means any of the following facilities that are under construction or operational: a petroleum or alumina refinery; critical electric infrastructure, as defined in 18 CFR Section 118.113(c)(3) including, but not limited to, an electrical power generating facility, substation, switching station, electrical control center, or electric power lines and associated equipment infrastructure; a chemical, polymer, or rubber manufacturing facility; a water intake structure, water storage facility, water treatment facility, wastewater treatment plant, wastewater pumping facility, or pump station; a natural gas compressor station; a liquid natural gas terminal or storage facility; a telecommunications central switching office; wireless telecommunications infrastructure, including cell towers, telephone poles and lines, including fiber optic lines; a port, railroad switching yard, railroad tracks, trucking terminal, or other freight transportation facility; a gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids; a transmission facility used by a federally licensed radio or television station; a steelmaking facility that uses an electric arc furnace to make steel; a facility identified and regulated by the United States Department of Homeland Security Chemical Facility Anti-Terrorism Standards (CFATS) program; a dam that is regulated by the state or federal government; a natural gas distribution utility facility including, but not limited to, natural gas distribution and transmission mains and services, pipeline interconnections, a city gate or town border station, metering station, aboveground piping, a regulator station, and a natural gas storage facility; a crude oil or refined products storage and distribution facility including, but not limited to, valve sites, pipeline interconnection, pump station, metering station, below or aboveground pipeline or piping and truck loading or offloading facility, a grain mill or processing facility; a generation, transmission, or distribution system of broadband internet access; or any aboveground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, railroad facility, or other storage facility that is enclosed by a fence, other physical barrier, or is clearly marked with signs prohibiting trespassing, that are obviously designed to exclude intruders.**



**2. A person commits the offense of trespass on a critical infrastructure facility if he or she purposely trespasses or enters property containing a critical infrastructure facility without the permission of the owner of the property or lawful occupant thereof. The offense of trespass on a critical infrastructure facility is a class B misdemeanor. If it is determined that the intent of the trespasser is to damage, destroy, vandalize, deface, tamper with equipment, or impede or inhibit operations of the facility, the person shall be guilty of a class A misdemeanor.**

**3. A person commits the offense of damage of a critical infrastructure facility if he or she purposely damages, destroys, or tampers with equipment in a critical infrastructure facility. The offense of damage of a critical infrastructure facility is a class D felony.**

**4. If an organization is found to be a conspirator with persons who are found to have committed any of the offenses set forth in subsection 2 or 3 of this section, the conspiring organization shall be punished by a fine that is ten times the amount of the fine attached to the offense set forth in subsection 2 or 3 of this section.**

**5. This section shall not apply to conduct protected under the Constitution of the United States, the Constitution of the state of Missouri, or a state or federal law or rule.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 330, Page 3, Section 301.3067, Line 37, by inserting after all of said section and line the following:

“537.340. 1. If any person shall cut down, injure or destroy or carry away any tree placed or growing for use, shade or ornament, or any timber, rails or wood standing, being or growing on the land of any other person, including any governmental entity, or shall dig up, quarry or carry away any stones, ore or mineral, gravel, clay or mold, or any ice or other substance or material being a part of the realty, or any roots, fruits or plants, or cut down or carry away grass, grain, corn, flax or hemp in which such person has no interest or right, standing, lying or being on land not such person’s own, or shall knowingly break the glass or any part of it in any building not such person’s own, the person so offending shall pay to the party injured treble the value of the things so injured, broken, destroyed or carried away, with costs. Any person filing a claim for damages pursuant to this section need not prove negligence or intent.

2. Notwithstanding the provisions of subsection 1 of this section, the following rules shall apply to the trimming, removing, and controlling of trees and other vegetation by any electric supplier:

(1) Every electric supplier that operates electric transmission or distribution lines shall have the authority to maintain the same by trimming, removing, and controlling trees and other vegetation posing a hazard to the continued safe and reliable operation thereof;

(2) An electric supplier may exercise its authority under subdivision (1) of this subsection if the trees and other vegetation are within the legal description of any recorded easement or, in the absence of a recorded easement, the following:

(a) Within ten feet, plus one-half the length of any attached cross arm, of either side of the centerline of electricity lines potentially energized at or below 34.5 kilovolts measured line to line and located within the limits of any city; or

(b) Within thirty feet of either side of the centerline of electricity lines potentially energized at or below 34.5 kilovolts measured line to line and located outside the limits of any city; or

(c) Within fifty feet of either side of the centerline of electricity lines potentially energized between 34.5 and one hundred kilovolts measured line to line; or

(d) Within the greater of the following for any electricity lines potentially energized at one hundred kilovolts or more measured line to line:

a. Seventy-five feet to either side of the centerline; or

b. Any required clearance distance adopted by either the Federal Energy Regulatory Commission or an Electric Reliability Organization authorized by the Energy Policy Act of 2005, 16 U.S.C. Section 824o. Such exercise shall be considered reasonable and necessary for the proper and reliable operation of electric service and shall create a rebuttable presumption, in claims for property damage, that the electric supplier acted with reasonable care, operated within its rights regarding the operation and maintenance of its electricity lines, and has not committed a trespass;

(3) An electric supplier may trim, remove, and control trees and other vegetation outside the provisions in subdivision (2) of this subsection if such actions are necessary to maintain the continued safe and reliable operation of its electric lines;

(4) An electric supplier may secure from the owner or occupier of land greater authority to trim, remove, and control trees and other vegetation than the provisions set forth in subdivision (2) of this subsection and may exercise any and all rights regarding the trimming, removing, and controlling of trees and other vegetation granted in any easement held by the electric supplier;

(5) An electric supplier may trim or remove any tree of sufficient height outside the provisions of subdivision (2) of this subsection when such tree, if it were to fall, would threaten the integrity and safety of any electric transmission or distribution line and would pose a hazard to the continued safe and reliable operation thereof;

(6) Prior to the removal of any tree under the provisions of subdivision (5) of this subsection, an electric supplier shall notify the owner or occupier of land, if available, at least fourteen days prior to such removal unless either the electric supplier deems the removal to be immediately necessary to continue the safe and reliable operation of its electricity lines, or the electric supplier is trimming or removing trees and other vegetation following a major weather event or other emergency situation;

(7) If any tree which is partially trimmed by an electric supplier dies within three months as a result of said trimming, the owner or occupier of land upon which the tree was trimmed may request in writing that the electric supplier remove said tree at the electric supplier's expense. The electric supplier shall respond to such request within ninety days;

(8) Nothing in this subsection shall be interpreted as requiring any electric supplier to fully exercise the authorities granted in this subsection.

3. For purposes of this section, the term "electric supplier" means any rural electric cooperative that is subject to the provisions of chapter 394[, and]; any electrical corporation which is required by its bylaws to operate on the not-for-profit cooperative business plan, with its consumers who receive service as the stockholders of such corporation, and which holds a certificate of public convenience and necessity to serve a majority of its customer-owners in counties of the third classification as of August 28, 2003; **any**

**municipally owned or operated electric power system that is subject to the provisions of chapter 91; and any municipally owned utility whose service area is set by state statute, service agreement, or other authority to include areas which are not incorporated into city limits.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 358**.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, House Amendment No. 1 to House Amendment No. 10, House Amendment No. 10, as amended, House Amendment Nos. 11, 12, 13, 14, 15, 16, 17, 18, House Amendment No. 1 to House Amendment No. 19, House Amendment No. 19, as amended, House Amendment Nos. 20 and 21.

#### HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 358, Page 1, In the Title, Lines 3-4, by deleting the words “the health professional student loan repayment program” and inserting in lieu thereof the words “health care”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 358, Page , Section , Line , by inserting after said section and line the following:

“192.067. 1. The department of health and senior services, for purposes of conducting epidemiological studies to be used in promoting and safeguarding the health of the citizens of Missouri under the authority of this chapter is authorized to receive information from patient medical records. The provisions of this section shall also apply to the collection, analysis, and disclosure of nosocomial infection data from patient records collected pursuant to section 192.667 **and to the collection of data under section 192.990.4e**

2. The department shall maintain the confidentiality of all medical record information abstracted by or reported to the department. Medical information secured pursuant to the provisions of subsection 1 of this section may be released by the department only in a statistical aggregate form that precludes and prevents the identification of patient, physician, or medical facility except that medical information may be shared with other public health authorities and coinvestigators of a health study if they abide by the same confidentiality restrictions required of the department of health and senior services and except as otherwise authorized by the provisions of sections 192.665 to 192.667, **or section 192.990**. The department of health and senior services, public health authorities and coinvestigators shall use the information collected only for the purposes provided for in this section [and], section 192.667, **or section 192.990**.

3. No individual or organization providing information to the department in accordance with this section shall be deemed to be or be held liable, either civilly or criminally, for divulging confidential information unless such individual organization acted in bad faith or with malicious purpose.

4. The department of health and senior services is authorized to reimburse medical care facilities, within the limits of appropriations made for that purpose, for the costs associated with abstracting data for special studies.

5. Any department of health and senior services employee, public health authority or coinvestigator of

a study who knowingly releases information which violates the provisions of this section shall be guilty of a class A misdemeanor and, upon conviction, shall be punished as provided by law.

**192.385. 1. There is hereby established in the department of health and senior services the “Senior Services Growth and Development Program” to provide additional funding for senior services provided through the area agencies on aging in this state.**

**2. Beginning January 1, 2020, two and one-half percent, and beginning January 1, 2021, and each year thereafter, five percent of the premium tax collected under sections 148.320 and 148.370, excluding any moneys to be transferred to the state school moneys fund as described in section 148.360, shall be deposited in the fund created in subsection 3 of this section.**

**3. (1) There is hereby created in the state treasury the “Senior Services Growth and Development Program Fund”, which shall consist of moneys collected under this section. The director of the department of revenue shall collect the moneys described in subsection 2 of this section and shall remit such moneys to the state treasurer for deposit in the fund, less one percent for the cost of collection. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and moneys in the fund shall be used solely by the department of health and senior services for enhancing senior services provided by area agencies on aging in this state.**

**(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. This fund is not intended to supplant general revenue provided for senior services.**

**(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**

**4. The department of health and senior services shall disburse the moneys from the fund to the area agencies on aging in accordance with the funding formula used by the department to disburse other federal and state moneys to the area agencies on aging.**

**5. At least fifty percent of all moneys distributed under this section shall be applied by area agencies on aging to the development and expansion of senior center programs, facilities, and services.**

**6. All area agencies on aging shall report, either individually or as an association, annually to the department of health and senior services, the department of insurance, financial institutions and professional registration, and the general assembly on the distribution and use of moneys under this section. The board of directors and the advisory board of each area agency on aging shall be responsible for ensuring the proper use and distribution of such moneys.**

**7. The department of health and senior services may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.**

**192.990. 1. There is hereby established within the department of health and senior services the “Pregnancy-Associated Mortality Review Board” to improve data collection and reporting with respect to maternal deaths. The department may collaborate with localities and with other states to meet the goals of the initiative.**

**2. For purposes of this section, the following terms shall mean:**

**(1) “Department”, the Missouri department of health and senior services;**

**(2) “Maternal death”, the death of a woman while pregnant or during the one-year period following the date of the end of pregnancy, regardless of the cause of death and regardless of whether a delivery, miscarriage, or death occurs inside or outside of a hospital.**

**3. The board shall be composed of no more than eighteen members, with a chair elected from among its membership. The board shall meet at least twice per year and shall approve the strategic priorities, funding allocations, work processes, and products of the board. Members of the board shall be appointed by the director of the department. Members shall serve four-year terms, except that the initial terms shall be staggered so that approximately one-third serve three, four, and five-year terms.**

**4. The board shall have a multidisciplinary and diverse membership that represents a variety of medical and nursing specialties, including, but not limited to, obstetrics and maternal-fetal care, as well as state or local public health officials, epidemiologists, statisticians, community organizations, geographic regions, and other individuals or organizations that are most affected by maternal deaths and lack of access to maternal health care services.**

**5. The duties of the board shall include, but not be limited to:**

**(1) Conducting ongoing comprehensive, multidisciplinary reviews of all maternal deaths;**

**(2) Identifying factors associated with maternal deaths;**

**(3) Reviewing medical records and other relevant data, which shall include, to the extent available:**

**(a) A description of the maternal deaths determined by matching each death record of a maternal death to a birth certificate of an infant or fetal death record, as applicable, and an indication of whether the delivery, miscarriage, or death occurred inside or outside of a hospital;**

**(b) Data collected from medical examiner and coroner reports, as appropriate; and**

**(c) Using other appropriate methods or information to identify maternal deaths, including deaths from pregnancy outcomes not identified under paragraph (a) of this subdivision;**

**(4) Consulting with relevant experts, as needed;**

**(5) Analyzing cases to produce recommendations for reducing maternal mortality;**

**(6) Disseminating recommendations to policy makers, health care providers and facilities, and the general public;**

**(7) Recommending and promoting preventative strategies and making recommendations for systems changes;**

**(8) Protecting the confidentiality of the hospitals and individuals involved in any maternal deaths;**

**(9) Examining racial and social disparities in maternal deaths;**

**(10) Subject to appropriation, providing for voluntary and confidential case reporting of maternal deaths to the appropriate state health agency by family members of the deceased, and other appropriate individuals, for purposes of review by the board;**

**(11) Making publicly available the contact information of the board for use in such reporting;**

**(12) Conducting outreach to local professional organizations, community organizations, and social services agencies regarding the availability of the review board; and**

**(13) Ensuring that data collected under this section is made available, as appropriate and practicable, for research purposes, in a manner that protects individually identifiable or potentially identifiable information and that is consistent with state and federal privacy laws.**

**6. The board may contract with other entities consistent with the duties of the board.**

**7. (1) Before June 30, 2020, and annually thereafter, the board shall submit to the Director of the Centers for Disease Control and Prevention, the director of the department, the governor, and the general assembly a report on maternal mortality in the state based on data collected through ongoing comprehensive, multidisciplinary reviews of all maternal deaths, and any other projects or efforts funded by the board. The data shall be collected using best practices to reliably determine and include all maternal deaths, regardless of the outcome of the pregnancy and shall include data, findings, and recommendations of the committee, and, as applicable, information on the implementation during such year of any recommendations submitted by the board in a previous year.**

**(2) The report shall be made available to the public on the department's website and the director shall disseminate the report to all health care providers and facilities that provide women's health services in the state.**

**8. The director of the department, or his or her designee, shall provide the board with the copy of the death certificate and any linked birth or fetal death certificate for any maternal death occurring within the state.**

**9. Upon request by the department, health care providers, health care facilities, clinics, laboratories, medical examiners, coroners, law enforcement agencies, driver's license bureaus, other state agencies, and facilities licensed by the department shall provide to the department data related to maternal deaths from sources such as medical records, autopsy reports, medical examiner's reports, coroner's reports, law enforcement reports, motor vehicle records, social services records, and other sources as appropriate. Such data requests shall be limited to maternal deaths which have occurred within the previous twenty-four months. No entity shall be held liable for civil damages or be subject to any criminal or disciplinary action when complying in good faith with a request from the department for information under the provisions of this subsection.**

**10. (1) The board shall protect the privacy and confidentiality of all patients, decedents, providers, hospitals, or any other participants involved in any maternal deaths. In no case shall any individually identifiable health information be provided to the public or submitted to an information clearinghouse.**

**(2) Nothing in this subsection shall prohibit the board or department from publishing statistical compilations and research reports that:**

(a) Are based on confidential information relating to mortality reviews under this section; and

(b) Do not contain identifying information or any other information that could be used to ultimately identify the individuals concerned.

(3) Information, records, reports, statements, notes, memoranda, or other data collected under this section shall not be admissible as evidence in any action of any kind in any court or before any other tribunal, board, agency, or person. Such information, records, reports, notes, memoranda, data obtained by the department or any other person, statements, notes, memoranda, or other data shall not be exhibited nor their contents disclosed in any way, in whole or in part, by any officer or representative of the department or any other person. No person participating in such review shall disclose, in any manner, the information so obtained except in strict conformity with such review project. Such information shall not be subject to disclosure under chapter 610.

(4) All information, records of interviews, written reports, statements, notes, memoranda, or other data obtained by the department, the board, and other persons, agencies, or organizations so authorized by the department under this section shall be confidential.

(5) All proceedings and activities of the board, opinions of members of such board formed as a result of such proceedings and activities, and records obtained, created, or maintained under this section, including records of interviews, written reports, statements, notes, memoranda, or other data obtained by the department or any other person, agency, or organization acting jointly or under contract with the department in connection with the requirements of this section, shall be confidential and shall not be subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding; provided, however, that nothing in this section shall be construed to limit or restrict the right to discover or use in any civil or criminal proceeding anything that is available from another source and entirely independent of the board's proceedings.

(6) Members of the board shall not be questioned in any civil or criminal proceeding regarding the information presented in or opinions formed as a result of a meeting or communication of the board; provided, however, that nothing in this section shall be construed to prevent a member of the board from testifying to information obtained independently of the board or which is public information.

**11. The department may use grant program funds to support the efforts of the board and may apply for additional federal government and private foundation grants as needed. The department may also accept private, foundation, city, county, or federal moneys to implement the provisions of this section.**

193.015. As used in sections 193.005 to 193.325, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Advanced practice registered nurse", a person licensed to practice as an advanced practice registered nurse under chapter 335, and who has been delegated tasks outlined in section 193.145 by a physician with whom they have entered into a collaborative practice arrangement under chapter 334;

(2) "Assistant physician", as such term is defined in section 334.036, and who has been delegated tasks outlined in section 193.145 by a physician with whom they have entered into a collaborative practice arrangement under chapter 334;

(3) “Dead body”, a human body or such parts of such human body from the condition of which it reasonably may be concluded that death recently occurred;

(4) “Department”, the department of health and senior services;

(5) “Final disposition”, the burial, interment, cremation, removal from the state, or other authorized disposition of a dead body or fetus;

(6) “Institution”, any establishment, public or private, which provides inpatient or outpatient medical, surgical, or diagnostic care or treatment or nursing, custodian, or domiciliary care, or to which persons are committed by law;

(7) “Live birth”, the complete expulsion or extraction from its mother of a child, irrespective of the duration of pregnancy, which after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached;

(8) “Physician”, a person authorized or licensed to practice medicine or osteopathy pursuant to chapter 334;

(9) “Physician assistant”, a person licensed to practice as a physician assistant pursuant to chapter 334, and who has been delegated tasks outlined in section 193.145 by a physician with whom they have entered into a [supervision agreement] **collaborative practice arrangement** under chapter 334;

(10) “Spontaneous fetal death”, a noninduced death prior to the complete expulsion or extraction from its mother of a fetus, irrespective of the duration of pregnancy; the death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles;

(11) “State registrar”, state registrar of vital statistics of the state of Missouri;

(12) “System of vital statistics”, the registration, collection, preservation, amendment and certification of vital records; the collection of other reports required by sections 193.005 to 193.325 and section 194.060; and activities related thereto including the tabulation, analysis and publication of vital statistics;

(13) “Vital records”, certificates or reports of birth, death, marriage, dissolution of marriage and data related thereto;

(14) “Vital statistics”, the data derived from certificates and reports of birth, death, spontaneous fetal death, marriage, dissolution of marriage and related reports.

198.082. 1. Each **certified** nursing assistant hired to work in a skilled nursing or intermediate care facility after January 1, 1980, shall have successfully completed a nursing assistant training program approved by the department or shall enroll in and begin the first available approved training program which is scheduled to commence within ninety days of the date of the **certified** nursing assistant’s employment and which shall be completed within four months of employment. Training programs shall be offered at any facility licensed [or approved] by the department of health and senior services; **any skilled nursing or intermediate care unit in a Missouri veterans home, as defined in section 42.002; or any hospital, as defined in section 197.020. Training programs shall be** [which is most] reasonably accessible to the enrollees in each class. The program may be established by [the] **a** skilled nursing or intermediate care facility, **unit, or hospital;** by a professional organization[.]; or by the department, and training shall be given by the personnel of the facility, **unit, or hospital;** by a professional organization[.]; by the



department[,]; by any community college; or by the vocational education department of any high school.

2. As used in this section the term “**certified nursing assistant**” means an employee[,] **who has completed the training required under subsection 1 of this section, who has passed the certification exam, and** [including a nurse’s aide or an orderly,] who is assigned by a skilled nursing or intermediate care facility, **unit, or hospital** to provide or assist in the provision of direct resident health care services under the supervision of a nurse licensed under the nursing practice law, chapter 335.

3. This section shall not apply to any person otherwise **regulated or** licensed to perform health care services under the laws of this state. It shall not apply to volunteers or to members of religious or fraternal orders which operate and administer the facility, if such volunteers or members work without compensation.

[3.] 4. The training program [after January 1, 1989, shall consist of at least the following:

(1) A training program consisting] **requirements shall be defined in regulation by the department and shall require** [of] at least seventy-five classroom hours of training [on basic nursing skills, clinical practice, resident safety and rights, the social and psychological problems of residents, and the methods of handling and caring for mentally confused residents such as those with Alzheimer’s disease and related disorders,] and one hundred hours supervised and on-the-job training. **On-the-job training sites shall include supervised practical training in a laboratory or other setting in which the trainee demonstrates knowledge while performing tasks on an individual under the direct supervision of a registered nurse or a licensed practical nurse.** The [one hundred hours] **training** shall be completed within four months of employment and may consist of normal employment as nurse assistants **or hospital nursing support staff** under the supervision of a licensed nurse[]; and

(2) Continuing in-service training to assure continuing competency in existing and new nursing skills. All nursing assistants trained prior to January 1, 1989, shall attend, by August 31, 1989, an entire special retraining program established by rule or regulation of the department which shall contain information on methods of handling mentally confused residents and which may be offered on premises by the employing facility].

[4.] 5. **Certified** nursing assistants who have not successfully completed the nursing assistant training program prior to employment may begin duties as a **certified** nursing assistant [only after completing an initial twelve hours of basic orientation approved by the department] and may provide direct resident care only if under the [general] **direct** supervision of a licensed nurse prior to completion of the seventy-five classroom hours of the training program.

6. **The competency evaluation shall be performed in a facility, as defined in 42 CFR Sec. 483.5, or laboratory setting comparable to the setting in which the individual shall function as a certified nursing assistant.**

7. **Persons completing the training requirements of unlicensed assistive personnel under 19 CSR 30-20.125 or its successor regulation, and who have completed the competency evaluation, shall be allowed to sit for the certified nursing assistant examination and be deemed to have fulfilled the classroom and clinical standards for designation as a certified nursing assistant.**

8. **The department of health and senior services may offer additional training programs and certifications to students who are already certified as nursing assistants according to regulations promulgated by the department and curriculum approved by the board.**

334.037. 1. A physician may enter into collaborative practice arrangements with assistant physicians. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to an assistant physician the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the assistant physician and is consistent with that assistant physician's skill, training, and competence and the skill and training of the collaborating physician.

2. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the assistant physician;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the assistant physician to prescribe;

(3) A requirement that there shall be posted at every office where the assistant physician is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an assistant physician and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the assistant physician;

(5) The manner of collaboration between the collaborating physician and the assistant physician, including how the collaborating physician and the assistant physician shall:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity; except, the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by Pub. L. 95-210 (42 U.S.C. Section 1395x), as amended, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. Such exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics if the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics if the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician shall maintain documentation related to such requirement and present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the assistant physician's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the assistant physician to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the assistant physician;

(8) The duration of the written practice agreement between the collaborating physician and the assistant physician;

(9) A description of the time and manner of the collaborating physician's review of the assistant physician's delivery of health care services. The description shall include provisions that the assistant physician shall submit a minimum of ten percent of the charts documenting the assistant physician's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the assistant physician prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

3. The state board of registration for the healing arts under section 334.125 shall promulgate rules regulating the use of collaborative practice arrangements for assistant physicians. Such rules shall specify:

(1) Geographic areas to be covered;

(2) The methods of treatment that may be covered by collaborative practice arrangements;

(3) In conjunction with deans of medical schools and primary care residency program directors in the state, the development and implementation of educational methods and programs undertaken during the collaborative practice service which shall facilitate the advancement of the assistant physician's medical knowledge and capabilities, and which may lead to credit toward a future residency program for programs that deem such documented educational achievements acceptable; and

(4) The requirements for review of services provided under collaborative practice arrangements, including delegating authority to prescribe controlled substances.

Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. The state board of registration for the healing arts shall promulgate rules applicable to assistant physicians that shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150- 5.100 as of April 30, 2008.

4. The state board of registration for the healing arts shall not deny, revoke, suspend, or otherwise take disciplinary action against a collaborating physician for health care services delegated to an assistant physician provided the provisions of this section and the rules promulgated thereunder are satisfied.

5. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice arrangement, including collaborative practice arrangements delegating the authority to prescribe controlled substances, and also report to the board the name of each assistant physician with whom the physician has entered into such arrangement. The board may make such information available to the public. The board shall track the reported information and may routinely conduct random reviews of such arrangements to ensure that arrangements are carried out for compliance under this chapter.

6. A collaborating physician [or supervising physician] shall not enter into a collaborative practice

arrangement [or supervision agreement] with more than six full-time equivalent assistant physicians, full-time equivalent physician assistants, or full-time equivalent advance practice registered nurses, or any combination thereof. Such limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008, or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of section 334.104.

7. The collaborating physician shall determine and document the completion of at least a one-month period of time during which the assistant physician shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. No rule or regulation shall require the collaborating physician to review more than ten percent of the assistant physician's patient charts or records during such one-month period. Such limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

8. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

9. No contract or other agreement shall require a physician to act as a collaborating physician for an assistant physician against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular assistant physician. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any assistant physician, but such requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by a hospital's medical staff.

10. No contract or other agreement shall require any assistant physician to serve as a collaborating assistant physician for any collaborating physician against the assistant physician's will. An assistant physician shall have the right to refuse to collaborate, without penalty, with a particular physician.

11. All collaborating physicians and assistant physicians in collaborative practice arrangements shall wear identification badges while acting within the scope of their collaborative practice arrangement. The identification badges shall prominently display the licensure status of such collaborating physicians and assistant physicians.

12. (1) An assistant physician with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in Schedule III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated the authority to prescribe controlled substances in a collaborative practice arrangement. Prescriptions for Schedule II medications prescribed by an assistant physician who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone. Such authority shall be filed with the state board of registration for the healing arts. The collaborating physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the assistant physician is permitted to prescribe. Any limitations shall be listed in the collaborative practice arrangement. Assistant physicians shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled

substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day supply without refill, except that buprenorphine may be prescribed for up to a thirty-day supply without refill for patients receiving medication-assisted treatment for substance use disorders under the direction of the collaborating physician. Assistant physicians who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

(2) The collaborating physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the assistant physician during which the assistant physician shall practice with the collaborating physician on-site prior to prescribing controlled substances when the collaborating physician is not on-site. Such limitation shall not apply to assistant physicians of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009, or assistant physicians providing opioid addiction treatment.

(3) An assistant physician shall receive a certificate of controlled substance prescriptive authority from the state board of registration for the healing arts upon verification of licensure under section 334.036.

13. Nothing in this section or section 334.036 shall be construed to limit the authority of hospitals or hospital medical staff to make employment or medical staff credentialing or privileging decisions.

334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice registered nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services. An advanced practice registered nurse may prescribe buprenorphine for up to a thirty-day supply without refill for patients receiving medication-assisted treatment for substance use disorders under the direction of the collaborating physician.

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, except the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. This exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics where the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician is required to maintain documentation related to this requirement and to present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse;

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this

subsection.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including delegating authority to prescribe controlled substances. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, including collaborative practice agreements delegating the authority to prescribe controlled substances, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be

construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone.

8. A collaborating physician [or supervising physician] shall not enter into a collaborative practice arrangement [or supervision agreement] with more than six full-time equivalent advanced practice registered nurses, full-time equivalent licensed physician assistants, or full-time equivalent assistant physicians, or any combination thereof. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150- 5.100 as of April 30, 2008, or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of this section.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.

334.108. 1. Prior to prescribing any drug, controlled substance, or other treatment through telemedicine, as defined in section 191.1145, or the internet, a physician shall establish a valid physician-patient relationship as described in section 191.1146. This relationship shall include:

(1) Obtaining a reliable medical history and performing a physical examination of the patient, adequate to establish the diagnosis for which the drug is being prescribed and to identify underlying conditions or contraindications to the treatment recommended or provided;

(2) Having sufficient dialogue with the patient regarding treatment options and the risks and benefits of treatment or treatments;



(3) If appropriate, following up with the patient to assess the therapeutic outcome;

(4) Maintaining a contemporaneous medical record that is readily available to the patient and, subject to the patient's consent, to the patient's other health care professionals; and

(5) Maintaining the electronic prescription information as part of the patient's medical record.

2. The requirements of subsection 1 of this section may be satisfied by the prescribing physician's designee when treatment is provided in:

(1) A hospital as defined in section 197.020;

(2) A hospice program as defined in section 197.250;

(3) Home health services provided by a home health agency as defined in section 197.400;

(4) Accordance with a collaborative practice agreement as defined in section 334.104;

(5) Conjunction with a physician assistant licensed pursuant to section 334.738;

(6) Conjunction with an assistant physician licensed under section 334.036;

(7) Consultation with another physician who has an ongoing physician-patient relationship with the patient, and who has agreed to supervise the patient's treatment, including use of any prescribed medications; or

(8) On-call or cross-coverage situations.

3. No health care provider, as defined in section 376.1350, shall prescribe any drug, controlled substance, or other treatment to a patient based solely on an evaluation over the telephone; except that, a physician[, ] **or** such physician's on-call designee, **or** an advanced practice registered nurse, **a physician assistant, or an assistant physician** in a collaborative practice arrangement with such physician, [a physician assistant in a supervision agreement with such physician, or an assistant physician in a supervision agreement with such physician] may prescribe any drug, controlled substance, or other treatment that is within his or her scope of practice to a patient based solely on a telephone evaluation if a previously established and ongoing physician-patient relationship exists between such physician and the patient being treated.

4. No health care provider shall prescribe any drug, controlled substance, or other treatment to a patient based solely on an internet request or an internet questionnaire.

334.735. 1. As used in sections 334.735 to 334.749, the following terms mean:

(1) "Applicant", any individual who seeks to become licensed as a physician assistant;

(2) "Certification" or "registration", a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;

(3) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;

(4) "**Collaborative practice arrangement**", **written agreements, jointly agreed upon protocols, or standing orders, all of which shall be in writing, for the delivery of health care services**;

(5) "Department", the department of insurance, financial institutions and professional registration or a designated agency thereof;

[(5)] (6) “License”, a document issued to an applicant by the board acknowledging that the applicant is entitled to practice as a physician assistant;

[(6)] (7) “Physician assistant”, a person who has graduated from a physician assistant program accredited by the [American Medical Association’s Committee on Allied Health Education and Accreditation or by its successor agency] **Accreditation Review Commission on Education for the Physician Assistant or its successor agency, prior to 2001, or the Committee on Allied Health Education and Accreditation or the Commission on Accreditation of Allied Health Education Programs**, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;

[(7)] (8) “Recognition”, the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749;

[(8) “Supervision”, control exercised over a physician assistant working with a supervising physician and oversight of the activities of and accepting responsibility for the physician assistant’s delivery of care. The physician assistant shall only practice at a location where the physician routinely provides patient care, except existing patients of the supervising physician in the patient’s home and correctional facilities. The supervising physician must be immediately available in person or via telecommunication during the time the physician assistant is providing patient care. Prior to commencing practice, the supervising physician and physician assistant shall attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant’s training and that the physician assistant shall not practice beyond the physician assistant’s training and experience. Appropriate supervision shall require the supervising physician to be working within the same facility as the physician assistant for at least four hours within one calendar day for every fourteen days on which the physician assistant provides patient care as described in subsection 3 of this section. Only days in which the physician assistant provides patient care as described in subsection 3 of this section shall be counted toward the fourteen-day period. The requirement of appropriate supervision shall be applied so that no more than thirteen calendar days in which a physician assistant provides patient care shall pass between the physician’s four hours working within the same facility. The board shall promulgate rules pursuant to chapter 536 for documentation of joint review of the physician assistant activity by the supervising physician and the physician assistant.

2. (1) A supervision agreement shall limit the physician assistant to practice only at locations described in subdivision (8) of subsection 1 of this section, within a geographic proximity to be determined by the board of registration for the healing arts.

(2) For a physician-physician assistant team working in a certified community behavioral health clinic as defined by P.L. 113-93 and a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended, or a federally qualified health center as defined in 42 U.S.C. Section 1395 of the Public Health Service Act, as amended, no supervision requirements in addition to the minimum federal law shall be required.

3.] 2. The scope of practice of a physician assistant shall consist only of the following services and procedures:

- (1) Taking patient histories;
- (2) Performing physical examinations of a patient;
- (3) Performing or assisting in the performance of routine office laboratory and patient screening procedures;
- (4) Performing routine therapeutic procedures;
- (5) Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;
- (6) Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved by a [licensed] **collaborating** physician;
- (7) Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a licensed physician;
- (8) Assisting in surgery; **and**
- (9) Performing such other tasks not prohibited by law under the [supervision of] **collaborative practice arrangement with** a licensed physician as the physician[‘s] assistant has been trained and is proficient to perform[]; and
- (10)].

3. Physician assistants shall not perform or prescribe abortions.

4. Physician assistants shall not prescribe any drug, medicine, device or therapy unless pursuant to a [physician supervision agreement] **collaborative practice arrangement** in accordance with the law, nor prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual power or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a [physician assistant supervision agreement] **collaborative practice arrangement** which is specific to the clinical conditions treated by the supervising physician and the physician assistant shall be subject to the following:

- (1) A physician assistant shall only prescribe controlled substances in accordance with section 334.747;
  - (2) The types of drugs, medications, devices or therapies prescribed by a physician assistant shall be consistent with the scopes of practice of the physician assistant and the [supervising] **collaborating** physician;
  - (3) All prescriptions shall conform with state and federal laws and regulations and shall include the name, address and telephone number of the physician assistant and the supervising physician;
  - (4) A physician assistant, or advanced practice registered nurse as defined in section 335.016 may request, receive and sign for noncontrolled professional samples and may distribute professional samples to patients; and
  - (5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the [supervising] **collaborating** physician is not qualified or authorized to prescribe.
5. A physician assistant shall clearly identify himself or herself as a physician assistant and shall not use

or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician assistant shall practice or attempt to practice without physician [supervision] **collaboration** or in any location where the [supervising] **collaborating** physician is not immediately available for consultation, assistance and intervention, except as otherwise provided in this section, and in an emergency situation, nor shall any physician assistant bill a patient independently or directly for any services or procedure by the physician assistant; except that, nothing in this subsection shall be construed to prohibit a physician assistant from enrolling with a **third party plan** or the department of social services as a MO HealthNet or Medicaid provider while acting under a [supervision agreement] **collaborative practice arrangement** between the physician and physician assistant.

6. [For purposes of this section, the] **The** licensing of physician assistants shall take place within processes established by the state board of registration for the healing arts through rule and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536 establishing licensing and renewal procedures, [supervision, supervision agreements] **collaboration, collaborative practice arrangements**, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensing may be denied or the license of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335 shall not be required to be licensed as physician assistants. All applicants for physician assistant licensure who complete a physician assistant training program after January 1, 2008, shall have a master's degree from a physician assistant program.

7. ["Physician assistant supervision agreement" means a written agreement, jointly agreed-upon protocols or standing order between a supervising physician and a physician assistant, which provides for the delegation of health care services from a supervising physician to a physician assistant and the review of such services. The agreement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, telephone numbers, and state license numbers of the supervising physician and the physician assistant;

(2) A list of all offices or locations where the physician routinely provides patient care, and in which of such offices or locations the supervising physician has authorized the physician assistant to practice;

(3) All specialty or board certifications of the supervising physician;

(4) The manner of supervision between the supervising physician and the physician assistant, including how the supervising physician and the physician assistant shall:

(a) Attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and experience and that the physician assistant shall not practice beyond the scope of the physician assistant's training and experience nor the supervising physician's capabilities and training; and

(b) Provide coverage during absence, incapacity, infirmity, or emergency by the supervising physician;

(5) The duration of the supervision agreement between the supervising physician and physician assistant; and

(6) A description of the time and manner of the supervising physician's review of the physician

assistant's delivery of health care services. Such description shall include provisions that the supervising physician, or a designated supervising physician listed in the supervision agreement review a minimum of ten percent of the charts of the physician assistant's delivery of health care services every fourteen days.

8. When a physician assistant supervision agreement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the supervising physician or other physician designated in the supervision agreement shall see the patient for evaluation and approve or formulate the plan of treatment for new or significantly changed conditions as soon as practical, but in no case more than two weeks after the patient has been seen by the physician assistant.

9.] At all times the physician is responsible for the oversight of the activities of, and accepts responsibility for, health care services rendered by the physician assistant.

[10. It is the responsibility of the supervising physician to determine and document the completion of at least a one-month period of time during which the licensed physician assistant shall practice with a supervising physician continuously present before practicing in a setting where a supervising physician is not continuously present.

**11.] 8. A physician may enter into collaborative practice arrangements with physician assistants. Collaborative practice arrangements, which shall be in writing, may delegate to a physician assistant the authority to prescribe, administer, or dispense drugs and provide treatment which is within the skill, training, and competence of the physician assistant. Collaborative practice arrangements may delegate to a physician assistant, as defined in section 334.735, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone. Schedule III narcotic controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of a written arrangement, jointly agreed-upon protocols, or standing orders for the delivery of health care services.**

**9. The written collaborative practice arrangement shall contain at least the following provisions:**

**(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the physician assistant;**

**(2) A list of all other offices or locations, other than those listed in subdivision (1) of this subsection, where the collaborating physician has authorized the physician assistant to prescribe;**

**(3) A requirement that there shall be posted at every office where the physician assistant is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by a physician assistant and have the right to see the collaborating physician;**

**(4) All specialty or board certifications of the collaborating physician and all certifications of the physician assistant;**

**(5) The manner of collaboration between the collaborating physician and the physician assistant, including how the collaborating physician and the physician assistant will:**

**(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;**

**(b) Maintain geographic proximity, as determined by the board of registration for the healing**

arts; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency of the collaborating physician;

(6) A list of all other written collaborative practice arrangements of the collaborating physician and the physician assistant;

(7) The duration of the written practice arrangement between the collaborating physician and the physician assistant;

(8) A description of the time and manner of the collaborating physician's review of the physician assistant's delivery of health care services. The description shall include provisions that the physician assistant shall submit a minimum of ten percent of the charts documenting the physician assistant's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days. Reviews may be conducted electronically;

(9) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the physician assistant prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (8) of this subsection; and

(10) A statement that no collaboration requirements in addition to the federal law shall be required for a physician-physician assistant team working in a certified community behavioral health clinic as defined by Pub.L. 113-93, or a rural health clinic under the federal Rural Health Services Act, Pub.L. 95-210, as amended, or a federally qualified health center as defined in 42 U.S.C. Section 1395 of the Public Health Service Act, as amended.

10. The state board of registration for the healing arts under section 334.125 may promulgate rules regulating the use of collaborative practice arrangements.

11. The state board of registration for the healing arts shall not deny, revoke, suspend, or otherwise take disciplinary action against a collaborating physician for health care services delegated to a physician assistant, provided that the provisions of this section and the rules promulgated thereunder are satisfied.

12. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice arrangement, including collaborative practice arrangements delegating the authority to prescribe controlled substances, and also report to the board the name of each physician assistant with whom the physician has entered into such arrangement. The board may make such information available to the public. The board shall track the reported information and may routinely conduct random reviews of such arrangements to ensure that the arrangements are carried out in compliance with this chapter.

13. The collaborating physician shall determine and document the completion of a period of time during which the physician assistant shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present.

**This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2009.**

**14.** No contract or other [agreement] **arrangement** shall require a physician to act as a [supervising] **collaborating** physician for a physician assistant against the physician's will. A physician shall have the right to refuse to act as a supervising physician, without penalty, for a particular physician assistant. No contract or other agreement shall limit the [supervising] **collaborating** physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any physician assistant[, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by the hospital's medical staff]. **No contract or other arrangement shall require any physician assistant to collaborate with any physician against the physician assistant's will. A physician assistant shall have the right to refuse to collaborate, without penalty, with a particular physician.**

[12.] **15.** Physician assistants shall file with the board a copy of their [supervising] **collaborating** physician form.

[13.] **16.** No physician shall be designated to serve as [supervising physician or] **a collaborating** physician for more than six full-time equivalent licensed physician assistants, full-time equivalent advanced practice registered nurses, or full-time equivalent assistant physicians, or any combination thereof. This limitation shall not apply to physician assistant [agreements] **collaborative practice arrangements** of hospital employees providing inpatient care service in hospitals as defined in chapter 197, or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of section 334.104.

**17. No arrangement made under this section shall supercede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital, as defined in section 197.020, if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.**

334.736. Notwithstanding any other provision of sections 334.735 to 334.749, the board may issue without examination a temporary license to practice as a physician assistant. Upon the applicant paying a temporary license fee and the submission of all necessary documents as determined by the board, the board may grant a temporary license to any person who meets the qualifications provided in [section] **sections 334.735 to 334.749** which shall be valid until the results of the next examination are announced. The temporary license may be renewed at the discretion of the board and upon payment of the temporary license fee.

334.747. 1. A physician assistant with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in Schedule III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated the authority to prescribe controlled substances in a [supervision agreement] **collaborative practice arrangement**. Such authority shall be listed on the [supervision verification] **collaborating physician** form on file with the state board of healing arts. The [supervising] **collaborating** physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the physician assistant is permitted to prescribe. Any limitations shall be listed on the [supervision] **collaborating physician** form. Prescriptions for Schedule

II medications prescribed by a physician assistant with authority to prescribe delegated in a [supervision agreement] **collaborative practice arrangement** are restricted to only those medications containing hydrocodone. Physician assistants shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day supply without refill, except that buprenorphine may be prescribed for up to a thirty-day supply without refill for patients receiving medication-assisted treatment for substance use disorders under the direction of the [supervising] **collaborating** physician. Physician assistants who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

2. The [supervising] **collaborating** physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the physician assistant during which the physician assistant shall practice with the [supervising] **collaborating** physician on-site prior to prescribing controlled substances when the [supervising] **collaborating** physician is not on-site. Such limitation shall not apply to physician assistants of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

3. A physician assistant shall receive a certificate of controlled substance prescriptive authority from the board of healing arts upon verification of the completion of the following educational requirements:

(1) Successful completion of an advanced pharmacology course that includes clinical training in the prescription of drugs, medicines, and therapeutic devices. A course or courses with advanced pharmacological content in a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency shall satisfy such requirement;

(2) Completion of a minimum of three hundred clock hours of clinical training by the [supervising] **collaborating** physician in the prescription of drugs, medicines, and therapeutic devices;

(3) Completion of a minimum of one year of supervised clinical practice or supervised clinical rotations. One year of clinical rotations in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency, which includes pharmacotherapeutics as a component of its clinical training, shall satisfy such requirement. Proof of such training shall serve to document experience in the prescribing of drugs, medicines, and therapeutic devices;

(4) A physician assistant previously licensed in a jurisdiction where physician assistants are authorized to prescribe controlled substances may obtain a state bureau of narcotics and dangerous drugs registration if a [supervising] **collaborating** physician can attest that the physician assistant has met the requirements of subdivisions (1) to (3) of this subsection and provides documentation of existing federal Drug Enforcement Agency registration.

334.749. 1. There is hereby established an “Advisory Commission for Physician Assistants” which shall guide, advise and make recommendations to the board. The commission shall also be responsible for the ongoing examination of the scope of practice and promoting the continuing role of physician assistants in the delivery of health care services. The commission shall assist the board in carrying out the provisions of sections 334.735 to 334.749.

2. The commission shall be appointed no later than October 1, 1996, and shall consist of five members,



one member of the board, two licensed physician assistants, one physician and one lay member. The two licensed physician assistant members, the physician member and the lay member shall be appointed by the director of the division of professional registration. Each licensed physician assistant member shall be a citizen of the United States and a resident of this state, and shall be licensed as a physician assistant by this state. The physician member shall be a United States citizen, a resident of this state, have an active Missouri license to practice medicine in this state and shall be a [supervising] **collaborating** physician, at the time of appointment, to a licensed physician assistant. The lay member shall be a United States citizen and a resident of this state. The licensed physician assistant members shall be appointed to serve three-year terms, except that the first commission appointed shall consist of one member whose term shall be for one year and one member whose term shall be for two years. The physician member and lay member shall each be appointed to serve a three-year term. No physician assistant member nor the physician member shall be appointed for more than two consecutive three-year terms. The president of the Missouri Academy of Physicians Assistants in office at the time shall, at least ninety days prior to the expiration of a term of a physician assistant member of a commission member or as soon as feasible after such a vacancy on the commission otherwise occurs, submit to the director of the division of professional registration a list of five physician assistants qualified and willing to fill the vacancy in question, with the request and recommendation that the director appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri Academy of Physicians Assistants shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association.

3. Notwithstanding any other provision of law to the contrary, any appointed member of the commission shall receive as compensation an amount established by the director of the division of professional registration not to exceed seventy dollars per day for commission business plus actual and necessary expenses. The director of the division of professional registration shall establish by rule guidelines for payment. All staff for the commission shall be provided by the state board of registration for the healing arts.

4. The commission shall hold an open annual meeting at which time it shall elect from its membership a chairman and secretary. The commission may hold such additional meetings as may be required in the performance of its duties, provided that notice of every meeting shall be given to each member at least ten days prior to the date of the meeting. A quorum of the commission shall consist of a majority of its members.

5. On August 28, 1998, all members of the advisory commission for registered physician assistants shall become members of the advisory commission for physician assistants and their successor shall be appointed in the same manner and at the time their terms would have expired as members of the advisory commission for registered physician assistants.

**334.1135. 1. There is hereby established a joint task force to be known as the “Joint Task Force on Radiologic Technologist Licensure”.**

**2. The task force shall be composed of the following:**

**(1) Two members of the senate, one of whom shall be appointed by the president pro tempore and one by the minority leader of the senate;**

**(2) Two members of the house of representatives, one of whom shall be appointed by the speaker and one by the minority leader of the house of representatives;**

**(3) A clinic administrator, or his or her designee, appointed by the Missouri Association of Rural Health Clinics;**

**(4) A physician appointed by the Missouri State Medical Association;**

**(5) A pain management physician appointed by the Missouri Society of Anesthesiologists;**

**(6) A radiologic technologist appointed by the Missouri Society of Radiologic Technologists;**

**(7) A nuclear medicine technologist appointed by the Missouri Valley Chapter of the Society of Nuclear Medicine and Molecular Imaging;**

**(8) An administrator of an ambulatory surgical center appointed by the Missouri Ambulatory Surgical Center Association;**

**(9) A physician appointed by the Missouri Academy of Family Physicians;**

**(10) A certified registered nurse anesthetist appointed by the Missouri Association of Nurse Anesthetists;**

**(11) A physician appointed by the Missouri Radiological Society;**

**(12) The director of the Missouri state board of registration for the healing arts, or his or her designee; and**

**(13) The director of the Missouri state board of nursing, or his or her designee.**

**3. The joint task force shall review the current status of licensure of radiologic technologists in Missouri and shall develop a plan to address the most appropriate method to protect public safety when radiologic imaging and radiologic procedures are utilized. The plan shall include:**

**(1) An analysis of the risks associated if radiologic technologists are not licensed;**

**(2) The creation of a Radiologic Imaging and Radiation Therapy Advisory Commission;**

**(3) Procedures to address the specific needs of rural health care and the availability of licensed radiologic technologists;**

**(4) Requirements for licensure of radiographer, radiation therapist, nuclear medicine technologist, nuclear medicine advanced associate, radiologist assistant, limited x-ray machine operators;**

**(5) Reasonable exemptions to licensure;**

**(6) Continuing education and training;**

**(7) Penalty provisions; and**

**(8) Other items that the task force deems relevant for the proper determination of licensure of radiologic technologists in Missouri.**

**4. The task force shall meet within thirty days of its creation and select a chair and vice chair. A majority of the task force shall constitute a quorum, but the concurrence of a majority of total members shall be required for the determination of any matter within the joint task force's duties.**

**5. The task force shall be staffed by legislative personnel of as is deemed necessary to assist the task force in the performance of its duties.**

**6. The members of the task force shall serve without compensation, but may, subject to**

**appropriation, be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.**

**7. The task force shall submit a full report of its activities, including the plan developed under subsection 3 of this section, to the general assembly on or before January 15, 2020. The task force shall send copies of the report to the director of the division of professional registration.**

335.175. 1. No later than January 1, 2014, there is hereby established within the state board of registration for the healing arts and the state board of nursing the “Utilization of Telehealth by Nurses”. An advanced practice registered nurse (APRN) providing nursing services under a collaborative practice arrangement under section 334.104 may provide such services outside the geographic proximity requirements of section 334.104 if the collaborating physician and advanced practice registered nurse utilize telehealth in the care of the patient and if the services are provided in a rural area of need. Telehealth providers shall be required to obtain patient consent before telehealth services are initiated and ensure confidentiality of medical information.

2. As used in this section, “telehealth” shall have the same meaning as such term is defined in section 191.1145.

3. (1) The boards shall jointly promulgate rules governing the practice of telehealth under this section. Such rules shall address, but not be limited to, appropriate standards for the use of telehealth.

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

4. For purposes of this section, “rural area of need” means any rural area of this state which is located in a health professional shortage area as defined in section 354.650.

[5. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2013, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]

338.010. 1. The “practice of pharmacy” means the interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons at least seven years of age

or the age recommended by the Centers for Disease Control and Prevention, whichever is higher, or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral influenza vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he **or she** is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a [supervision agreement] **collaborative practice arrangement** under section 334.735.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall

become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an equivalent title means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

12. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines by protocol in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

(3) In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

13. A pharmacist shall inform the patient that the administration of the vaccine will be entered into the ShowMeVax system, as administered by the department of health and senior services. The patient shall attest to the inclusion of such information in the system by signing a form provided by the pharmacist. If the patient indicates that he or she does not want such information entered into the ShowMeVax system, the pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient's primary health care provider, if provided by the patient, containing:

(1) The identity of the patient;

(2) The identity of the vaccine or vaccines administered;

(3) The route of administration;

- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration.

630.175. 1. No person admitted on a voluntary or involuntary basis to any mental health facility or mental health program in which people are civilly detained pursuant to chapter 632 and no patient, resident or client of a residential facility or day program operated, funded or licensed by the department shall be subject to physical or chemical restraint, isolation or seclusion unless it is determined by the head of the facility, the attending licensed physician, or in the circumstances specifically set forth in this section, by an advanced practice registered nurse in a collaborative practice arrangement, or a physician assistant or an assistant physician with a [supervision agreement] **collaborative practice arrangement**, with the attending licensed physician that the chosen intervention is imminently necessary to protect the health and safety of the patient, resident, client or others and that it provides the least restrictive environment. An advanced practice registered nurse in a collaborative practice arrangement, or a physician assistant or an assistant physician with a [supervision agreement] **collaborative practice arrangement**, with the attending licensed physician may make a determination that the chosen intervention is necessary for patients, residents, or clients of facilities or programs operated by the department, in hospitals as defined in section 197.020 that only provide psychiatric care and in dedicated psychiatric units of general acute care hospitals as hospitals are defined in section 197.020. Any determination made by the advanced practice registered nurse, physician assistant, or assistant physician shall be documented as required in subsection 2 of this section and reviewed in person by the attending licensed physician if the episode of restraint is to extend beyond:

- (1) Four hours duration in the case of a person under eighteen years of age;
- (2) Eight hours duration in the case of a person eighteen years of age or older; or
- (3) For any total length of restraint lasting more than four hours duration in a twenty-four-hour period in the case of a person under eighteen years of age or beyond eight hours duration in the case of a person eighteen years of age or older in a twenty-four-hour period.

The review shall occur prior to the time limit specified under subsection 6 of this section and shall be documented by the licensed physician under subsection 2 of this section.

2. Every use of physical or chemical restraint, isolation or seclusion and the reasons therefor shall be made a part of the clinical record of the patient, resident or client under the signature of the head of the facility, or the attending licensed physician, or the advanced practice registered nurse in a collaborative practice arrangement, or a physician assistant or an assistant physician with a [supervision agreement] **collaborative practice arrangement**, with the attending licensed physician.

3. Physical or chemical restraint, isolation or seclusion shall not be considered standard treatment or habilitation and shall cease as soon as the circumstances causing the need for such action have ended.

4. The use of security escort devices, including devices designed to restrict physical movement, which are used to maintain safety and security and to prevent escape during transport outside of a facility shall not be considered physical restraint within the meaning of this section. Individuals who have been civilly detained under sections 632.300 to 632.475 may be placed in security escort devices when transported outside of the facility if it is determined by the head of the facility, or the attending licensed physician, or the advanced practice registered nurse in a collaborative practice arrangement, or a physician assistant or

an assistant physician with a [supervision agreement] **collaborative practice arrangement**, with the attending licensed physician that the use of security escort devices is necessary to protect the health and safety of the patient, resident, client, or other persons or is necessary to prevent escape. Individuals who have been civilly detained under sections 632.480 to 632.513 or committed under chapter 552 shall be placed in security escort devices when transported outside of the facility unless it is determined by the head of the facility, or the attending licensed physician, or the advanced practice registered nurse in a collaborative practice arrangement, or a physician assistant or an assistant physician with a [supervision agreement] **collaborative practice arrangement**, with the attending licensed physician that security escort devices are not necessary to protect the health and safety of the patient, resident, client, or other persons or is not necessary to prevent escape.

5. Extraordinary measures employed by the head of the facility to ensure the safety and security of patients, residents, clients, and other persons during times of natural or man-made disasters shall not be considered restraint, isolation, or seclusion within the meaning of this section.

6. Orders issued under this section by the advanced practice registered nurse in a collaborative practice arrangement, or a physician assistant or an assistant physician with a [supervision agreement] **collaborative practice arrangement**, with the attending licensed physician shall be reviewed in person by the attending licensed physician of the facility within twenty-four hours or the next regular working day of the order being issued, and such review shall be documented in the clinical record of the patient, resident, or client.

7. For purposes of this subsection, “division” shall mean the division of developmental disabilities. Restraint or seclusion shall not be used in habilitation centers or community programs that serve persons with developmental disabilities that are operated or funded by the division unless such procedure is part of an emergency intervention system approved by the division and is identified in such person’s individual support plan. Direct-care staff that serve persons with developmental disabilities in habilitation centers or community programs operated or funded by the division shall be trained in an emergency intervention system approved by the division when such emergency intervention system is identified in a consumer’s individual support plan.

630.875. 1. This section shall be known and may be cited as the “Improved Access to Treatment for Opioid Addictions Act” or “IATOA Act”.

2. As used in this section, the following terms mean:

(1) “Department”, the department of mental health;

(2) “IATOA program”, the improved access to treatment for opioid addictions program created under subsection 3 of this section.

3. Subject to appropriations, the department shall create and oversee an “Improved Access to Treatment for Opioid Addictions Program”, which is hereby created and whose purpose is to disseminate information and best practices regarding opioid addiction and to facilitate collaborations to better treat and prevent opioid addiction in this state. The IATOA program shall facilitate partnerships between assistant physicians, physician assistants, and advanced practice registered nurses practicing in federally qualified health centers, rural health clinics, and other health care facilities and physicians practicing at remote facilities located in this state. The IATOA program shall provide resources that grant patients and their treating assistant physicians, physician assistants, advanced practice registered nurses, or physicians access to knowledge and expertise through means such as telemedicine and Extension for Community Healthcare Outcomes (ECHO)

programs established under section 191.1140.

4. Assistant physicians, physician assistants, and advanced practice registered nurses who participate in the IATOA program shall complete the necessary requirements to prescribe buprenorphine within at least thirty days of joining the IATOA program.

5. For the purposes of the IATOA program, a remote collaborating [or supervising] physician working with an on-site assistant physician, physician assistant, or advanced practice registered nurse shall be considered to be on-site. An assistant physician, physician assistant, or advanced practice registered nurse collaborating with a remote physician shall comply with all laws and requirements applicable to assistant physicians, physician assistants, or advanced practice registered nurses with on-site supervision before providing treatment to a patient.

6. An assistant physician, physician assistant, or advanced practice registered nurse collaborating with a physician who is waiver-certified for the use of buprenorphine may participate in the IATOA program in any area of the state and provide all services and functions of an assistant physician, physician assistant, or advanced practice registered nurse.

7. The department may develop curriculum and benchmark examinations on the subject of opioid addiction and treatment. The department may collaborate with specialists, institutions of higher education, and medical schools for such development. Completion of such a curriculum and passing of such an examination by an assistant physician, physician assistant, advanced practice registered nurse, or physician shall result in a certificate awarded by the department or sponsoring institution, if any.

8. An assistant physician, physician assistant, or advanced practice registered nurse participating in the IATOA program may also:

- (1) Engage in community education;
- (2) Engage in professional education outreach programs with local treatment providers;
- (3) Serve as a liaison to courts;
- (4) Serve as a liaison to addiction support organizations;
- (5) Provide educational outreach to schools;
- (6) Treat physical ailments of patients in an addiction treatment program or considering entering such a program;
- (7) Refer patients to treatment centers;
- (8) Assist patients with court and social service obligations;
- (9) Perform other functions as authorized by the department; and
- (10) Provide mental health services in collaboration with a qualified licensed physician.

The list of authorizations in this subsection is a nonexclusive list, and assistant physicians, physician assistants, or advanced practice registered nurses participating in the IATOA program may perform other actions.

9. When an overdose survivor arrives in the emergency department, the assistant physician, physician assistant, or advanced practice registered nurse serving as a recovery coach or, if the assistant physician, physician assistant, or advanced practice registered nurse is unavailable, another properly trained recovery



coach shall, when reasonably practicable, meet with the overdose survivor and provide treatment options and support available to the overdose survivor. The department shall assist recovery coaches in providing treatment options and support to overdose survivors.

10. The provisions of this section shall supersede any contradictory statutes, rules, or regulations. The department shall implement the improved access to treatment for opioid addictions program as soon as reasonably possible using guidance within this section. Further refinement to the improved access to treatment for opioid addictions program may be done through the rules process.

11. The department shall promulgate rules to implement the provisions of the improved access to treatment for opioid addictions act as soon as reasonably possible. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend Senate Bill No. 358, Page 2, Section 191.607, Line 16, by inserting after all of said line the following:

“376.1224. 1. For purposes of this section, the following terms shall mean:

(1) “Applied behavior analysis”, the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationships between environment and behavior;

(2) “Autism service provider”:

(a) Any person, entity, or group that provides diagnostic or treatment services for autism spectrum disorders who is licensed or certified by the state of Missouri; or

(b) Any person who is licensed under chapter 337 as a board-certified behavior analyst by the behavior analyst certification board or licensed under chapter 337 as an assistant board-certified behavior analyst;

(3) “Autism spectrum disorders”, a neurobiological disorder, an illness of the nervous system, which includes Autistic Disorder, Asperger’s Disorder, Pervasive Developmental Disorder Not Otherwise Specified, Rett’s Disorder, and Childhood Disintegrative Disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association;

(4) “**Developmental or physical disability**”, a severe chronic disability that:

(a) **Is attributable to cerebral palsy, epilepsy, or any other condition other than mental illness or autism spectrum disorder which results in impairment of general intellectual functioning or adaptive behavior and requires treatment or services;**

(b) **Manifests before the individual reaches age nineteen;**

**(c) Is likely to continue indefinitely; and**

**(d) Results in substantial functional limitations in three or more of the following areas of major life activities:**

**a. Self-care;**

**b. Understanding and use of language;**

**c. Learning;**

**d. Mobility;**

**e. Self-direction; or**

**f. Capacity for independent living;**

**(5) “Diagnosis [of autism spectrum disorders]”, medically necessary assessments, evaluations, or tests in order to diagnose whether an individual has an autism spectrum disorder **or a developmental or physical disability**;**

**[(5)] (6) “Habilitative or rehabilitative care”, professional, counseling, and guidance services and treatment programs, including applied behavior analysis **for those diagnosed with autism spectrum disorder**, that are necessary to develop the functioning of an individual;**

**[(6)] (7) “Health benefit plan”, shall have the same meaning ascribed to it as in section 376.1350;**

**[(7)] (8) “Health carrier”, shall have the same meaning ascribed to it as in section 376.1350;**

**[(8)] (9) “Line therapist”, an individual who provides supervision of an individual diagnosed with an autism diagnosis and other neurodevelopmental disorders pursuant to the prescribed treatment plan, and implements specific behavioral interventions as outlined in the behavior plan under the direct supervision of a licensed behavior analyst;**

**[(9)] (10) “Pharmacy care”, medications used to address symptoms of an autism spectrum disorder **or a developmental or physical disability** prescribed by a licensed physician, and any health-related services deemed medically necessary to determine the need or effectiveness of the medications only to the extent that such medications are included in the insured’s health benefit plan;**

**[(10)] (11) “Psychiatric care”, direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices;**

**[(11)] (12) “Psychological care”, direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices;**

**[(12)] (13) “Therapeutic care”, services provided by licensed speech therapists, occupational therapists, or physical therapists;**

**[(13)] (14) “Treatment [for autism spectrum disorders]”, care prescribed or ordered for an individual diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist, **or for an individual diagnosed with a developmental or physical disability by a licensed physician or licensed psychologist**, including equipment medically necessary for such care, pursuant to the powers granted under such licensed physician’s or licensed psychologist’s license, including, but not limited to:**

**(a) Psychiatric care;**

(b) Psychological care;

(c) Habilitative or rehabilitative care, including applied behavior analysis therapy **for those diagnosed with autism spectrum disorder**;

(d) Therapeutic care;

(e) Pharmacy care.

2. **Except as otherwise provided in subsection 12 of this section**, all [group] health benefit plans that are delivered, issued for delivery, continued, or renewed on or after January 1, [2011] **2020**, if written inside the state of Missouri, or written outside the state of Missouri but insuring Missouri residents, shall provide coverage for the diagnosis and treatment of autism spectrum disorders **and for the diagnosis and treatment of developmental or physical disabilities** to the extent that such diagnosis and treatment is not already covered by the health benefit plan.

3. With regards to a health benefit plan, a health carrier shall not deny or refuse to issue coverage on, refuse to contract with, or refuse to renew or refuse to reissue or otherwise terminate or restrict coverage on an individual or their dependent because the individual is diagnosed with autism spectrum disorder **or developmental or physical disabilities**.

4. (1) Coverage provided under this section **for autism spectrum disorder or developmental or physical disabilities** is limited to medically necessary treatment that is ordered by the insured's treating licensed physician or licensed psychologist, pursuant to the powers granted under such licensed physician's or licensed psychologist's license, in accordance with a treatment plan.

(2) The treatment plan, upon request by the health benefit plan or health carrier, shall include all elements necessary for the health benefit plan or health carrier to pay claims. Such elements include, but are not limited to, a diagnosis, proposed treatment by type, frequency and duration of treatment, and goals.

(3) Except for inpatient services, if an individual is receiving treatment for an autism spectrum disorder **or developmental or physical disability**, a health carrier shall have the right to review the treatment plan not more than once every six months unless the health carrier and the individual's treating physician or psychologist agree that a more frequent review is necessary. Any such agreement regarding the right to review a treatment plan more frequently shall only apply to a particular individual [being treated for an autism spectrum disorder] **receiving applied behavior analysis** and shall not apply to all individuals [being treated for autism spectrum disorders by a] **receiving applied behavior analysis from that autism service provider**, physician, or psychologist. The cost of obtaining any review or treatment plan shall be borne by the health benefit plan or health carrier, as applicable.

5. (1) Coverage provided under this section for applied behavior analysis shall be subject to a maximum benefit of forty thousand dollars per calendar year for individuals through eighteen years of age. Such maximum benefit limit may be exceeded, upon prior approval by the health benefit plan, if the provision of applied behavior analysis services beyond the maximum limit is medically necessary for such individual. Payments made by a health carrier on behalf of a covered individual for any care, treatment, intervention, service or item, the provision of which was for the treatment of a health condition unrelated to the covered individual's autism spectrum disorder, shall not be applied toward any maximum benefit established under this subsection. Any coverage required under this section, other than the coverage for applied behavior analysis, shall not be subject to the age and dollar limitations described in this subsection.

[6.] (2) The maximum benefit limitation for applied behavior analysis described in [subsection 5] **subdivision (1)** of this [section] **subsection** shall be adjusted by the health carrier at least triennially for inflation to reflect the aggregate increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially published by the United States Department of Labor, or its successor agency. Beginning January 1, 2012, and annually thereafter, the current value of the maximum benefit limitation for applied behavior analysis coverage adjusted for inflation in accordance with this subsection shall be calculated by the director of the department of insurance, financial institutions and professional registration. The director shall furnish the calculated value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021.

[7.] (3) Subject to the provisions set forth in subdivision (3) of subsection 4 of this section, coverage provided **for autism spectrum disorders** under this section shall not be subject to any limits on the number of visits an individual may make to an autism service provider, except that the maximum total benefit for applied behavior analysis set forth in **subdivision (1) of this subsection** [5 of this section] shall apply to this [subsection] **subdivision**.

**6. Coverage for therapeutic care provided under this section for developmental or physical disabilities may be limited to a number of visits per calendar year, provided that upon prior approval by the health benefit plan, coverage shall be provided beyond the maximum calendar limit if such therapeutic care is medically necessary as determined by the health care plan.**

[8.] 7. This section shall not be construed as limiting benefits which are otherwise available to an individual under a health benefit plan. The health care coverage required by this section shall not be subject to any greater deductible, coinsurance, or co-payment than other physical health care services provided by a health benefit plan. Coverage of services may be subject to other general exclusions and limitations of the contract or benefit plan, not in conflict with the provisions of this section, such as coordination of benefits, exclusions for services provided by family or household members, and utilization review of health care services, including review of medical necessity and care management; however, coverage for treatment under this section shall not be denied on the basis that it is educational or habilitative in nature.

[9.] 8. To the extent any payments or reimbursements are being made for applied behavior analysis, such payments or reimbursements shall be made to either:

(1) The autism service provider, as defined in this section; or

(2) The entity or group for whom such supervising person, who is certified as a board-certified behavior analyst by the Behavior Analyst Certification Board, works or is associated.

Such payments or reimbursements under this subsection to an autism service provider or a board-certified behavior analyst shall include payments or reimbursements for services provided by a line therapist under the supervision of such provider or behavior analyst if such services provided by the line therapist are included in the treatment plan and are deemed medically necessary.

[10.] 9. Notwithstanding any other provision of law to the contrary, health carriers shall not be held liable for the actions of line therapists in the performance of their duties.

[11.] 10. The provisions of this section shall apply to any health care plans issued to employees and their dependents under the Missouri consolidated health care plan established pursuant to chapter 103 that are delivered, issued for delivery, continued, or renewed in this state on or after January 1, [2011] **2020**. The

terms “employees” and “health care plans” shall have the same meaning ascribed to them in section 103.003.

[12.] **11.** The provisions of this section shall also apply to the following types of plans that are established, extended, modified, or renewed on or after January 1, [2011] **2020**:

(1) All self-insured governmental plans, as that term is defined in 29 U.S.C. Section 1002(32);

(2) All self-insured group arrangements, to the extent not preempted by federal law;

(3) All plans provided through a multiple employer welfare arrangement, or plans provided through another benefit arrangement, to the extent permitted by the Employee Retirement Income Security Act of 1974, or any waiver or exception to that act provided under federal law or regulation; and

(4) All self-insured school district health plans.

[13. The provisions of this section shall not automatically apply to an individually underwritten health benefit plan, but shall be offered as an option to any such plan.

14.] **12.** The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policy of six months or less duration, or any other supplemental policy. **The provisions of this section requiring coverage for autism spectrum disorders shall not apply to an individually underwritten health benefit plan issued prior to January 1, 2011. The provisions of this section requiring coverage for a developmental or physical disability shall not apply to a health benefit plan issued prior to January 1, 2014.**

[15.] **13.** Any health carrier or other entity subject to the provisions of this section shall not be required to provide reimbursement for the applied behavior analysis delivered to a person insured by such health carrier or other entity to the extent such health carrier or other entity is billed for such services by any Part C early intervention program or any school district for applied behavior analysis rendered to the person covered by such health carrier or other entity. This section shall not be construed as affecting any obligation to provide services to an individual under an individualized family service plan, an individualized education plan, or an individualized service plan. This section shall not be construed as affecting any obligation to provide reimbursement pursuant to section 376.1218.

[16.] **14.** The provisions of sections 376.383, 376.384, and 376.1350 to 376.1399 shall apply to this section.

[17. The director of the department of insurance, financial institutions and professional registration shall grant a small employer with a group health plan, as that term is defined in section 379.930, a waiver from the provisions of this section if the small employer demonstrates to the director by actual claims experience over any consecutive twelve-month period that compliance with this section has increased the cost of the health insurance policy by an amount of two and a half percent or greater over the period of a calendar year in premium costs to the small employer.

18.] **15.** The provisions of this section shall not apply to the Mo HealthNet program as described in chapter 208.

[19. (1) By February 1, 2012, and every February first thereafter, the department of insurance, financial institutions and professional registration shall submit a report to the general assembly regarding the

implementation of the coverage required under this section. The report shall include, but shall not be limited to, the following:

- (a) The total number of insureds diagnosed with autism spectrum disorder;
- (b) The total cost of all claims paid out in the immediately preceding calendar year for coverage required by this section;
- (c) The cost of such coverage per insured per month; and
- (d) The average cost per insured for coverage of applied behavior analysis;

(2) All health carriers and health benefit plans subject to the provisions of this section shall provide the department with the data requested by the department for inclusion in the annual report.]; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend Senate Bill No. 358, Page 2, Section 191.607, Line 16, by inserting after said section and line the following:

“338.010. 1. The “practice of pharmacy” means the interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is higher, or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral influenza vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices; **the dispensing of self-administered oral hormonal contraceptives under section 338.720**; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a

written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a supervision agreement under section 334.735.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an equivalent title means a

person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

12. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines by protocol in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

(3) In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

13. A pharmacist shall inform the patient that the administration of the vaccine will be entered into the ShowMeVax system, as administered by the department of health and senior services. The patient shall attest to the inclusion of such information in the system by signing a form provided by the pharmacist. If the patient indicates that he or she does not want such information entered into the ShowMeVax system, the pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient's primary health care provider, if provided by the patient, containing:

- (1) The identity of the patient;
- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration.

**338.720. 1. For purposes of this section, "self-administered oral hormonal contraceptive" shall mean a drug composed of a combination of hormones that is approved by the Food and Drug Administration to prevent pregnancy and that the patient to whom the drug is prescribed may take orally.**

**2. A pharmacist may dispense self-administered oral hormonal contraceptives to a person who is eighteen years of age or older under a prescription order for medication therapy services as described in section 338.010. A prescription order for a self-administered oral hormonal contraceptive shall have no expiration date.**

**3. The board of pharmacy, under section 338.140, and the board of registration for the healing arts, under section 334.125, shall jointly promulgate rules regulating the use of protocols for prescription orders for self-administered oral hormonal contraceptives. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**



vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

**4. The rules adopted under this section shall require a pharmacist to:**

**(1) Complete a training program approved by the board of pharmacy that is related to prescribing self-administered oral hormonal contraceptives;**

**(2) Provide a self-screening risk assessment tool that the patient shall use prior to the pharmacist's prescribing the self-administered oral hormonal contraceptive;**

**(3) At least once every twelve months refer the patient to the patient's primary care practitioner or women's health care practitioner, or the physician with whom the pharmacist has a prescription order, before dispensing the self-administered oral hormonal contraceptive to the patient;**

**(4) Provide the patient with a written record of the self-administered oral hormonal contraceptive dispensed and advise the patient to consult with a primary care practitioner or women's health care practitioner; and**

**(5) Dispense the self-administered oral hormonal contraceptive to the patient as soon as practicable.**

**5. All state and federal laws governing insurance coverage of contraceptive drugs, devices, products, and services shall apply to self-administered oral hormonal contraceptives dispensed by a pharmacist under this section.**

**6. The provisions of this section shall terminate upon the enactment of any laws allowing the provision of oral hormonal contraceptives from a pharmacist without a prescription.**

**7. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's written prescription order.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend Senate Bill No. 358, Page 2, Section 191.607, Line 16, by inserting after said section and line the following:

“192.667. 1. All health care providers shall at least annually provide to the department charge data as required by the department. All hospitals shall at least annually provide patient abstract data and financial data as required by the department. Hospitals as defined in section 197.020 shall report patient abstract data for outpatients and inpatients. Ambulatory surgical centers and abortion facilities as defined in section 197.200 shall provide patient abstract data to the department. The department shall specify by rule the types of information which shall be submitted and the method of submission.

2. The department shall collect data on the incidence of health care-associated infections from hospitals, ambulatory surgical centers, abortion facilities, and other facilities as necessary to generate the reports required by this section. Hospitals, ambulatory surgical centers, abortion facilities, and other facilities shall provide such data in compliance with this section. **In order to streamline government and to eliminate**

**uplicative reporting requirements, if the Centers for Medicare and Medicaid Services, or its successor entity, requires hospitals to submit health care-associated infection data, then hospitals and the department shall not be required to comply with the health care-associated infection data reporting requirements of subsections 2 to 17 of this section applicable to hospitals, except that the department shall post a link on its website to publicly reported data by hospitals on the Centers for Medicare and Medicaid Services' Hospital Compare website, or its successor.**

3. The department shall promulgate rules specifying the standards and procedures for the collection, analysis, risk adjustment, and reporting of the incidence of health care-associated infections and the types of infections and procedures to be monitored pursuant to subsection 13 of this section. In promulgating such rules, the department shall:

(1) Use methodologies and systems for data collection established by the federal Centers for Disease Control and Prevention's National Healthcare Safety Network, or its successor; and

(2) Consider the findings and recommendations of the infection control advisory panel established pursuant to section 197.165.

4. By January 1, 2017, the infection control advisory panel created by section 197.165 shall make recommendations to the department regarding the Centers for Medicare and Medicaid Services' health care-associated infection data collection, analysis, and public reporting requirements for hospitals, ambulatory surgical centers, and other facilities in the federal Centers for Disease Control and Prevention's National Healthcare Safety Network, or its successor, in lieu of all or part of the data collection, analysis, and public reporting requirements of this section. The advisory panel recommendations shall address which hospitals shall be required as a condition of licensure to use the National Healthcare Safety Network for data collection; the use of the National Healthcare Safety Network for risk adjustment and analysis of hospital submitted data; and the use of the Centers for Medicare and Medicaid Services' Hospital Compare website, or its successor, for public reporting of the incidence of health care-associated infection metrics. The advisory panel shall consider the following factors in developing its recommendation:

(1) Whether the public is afforded the same or greater access to facility-specific infection control indicators and metrics;

(2) Whether the data provided to the public is subject to the same or greater accuracy of risk adjustment;

(3) Whether the public is provided with the same or greater specificity of reporting of infections by type of facility infections and procedures;

(4) Whether the data is subject to the same or greater level of confidentiality of the identity of an individual patient;

(5) Whether the National Healthcare Safety Network, or its successor, has the capacity to receive, analyze, and report the required data for all facilities;

(6) Whether the cost to implement the National Healthcare Safety Network infection data collection and reporting system is the same or less.

5. After considering the recommendations of the infection control advisory panel, and provided that the requirements of subsection 13 of this section can be met, the department shall implement guidelines from the federal Centers for Disease Control and Prevention's National Healthcare Safety Network, or its successor. It shall be a condition of licensure for hospitals that meet the minimum public reporting

requirements of the National Healthcare Safety Network and the Centers for Medicare and Medicaid Services to participate in the National Healthcare Safety Network, or its successor. Such hospitals shall permit the National Healthcare Safety Network, or its successor, to disclose facility-specific infection data to the department as required under this section, and as necessary to provide the public reports required by the department. It shall be a condition of licensure for any ambulatory surgical center or abortion facility which does not voluntarily participate in the National Healthcare Safety Network, or its successor, to submit facility-specific data to the department as required under this section, and as necessary to provide the public reports required by the department.

6. The department shall not require the resubmission of data which has been submitted to the department of health and senior services or the department of social services under any other provision of law. The department of health and senior services shall accept data submitted by associations or related organizations on behalf of health care providers by entering into binding agreements negotiated with such associations or related organizations to obtain data required pursuant to section 192.665 and this section. A health care provider shall submit the required information to the department of health and senior services:

- (1) If the provider does not submit the required data through such associations or related organizations;
- (2) If no binding agreement has been reached within ninety days of August 28, 1992, between the department of health and senior services and such associations or related organizations; or
- (3) If a binding agreement has expired for more than ninety days.

7. Information obtained by the department under the provisions of section 192.665 and this section shall not be public information. Reports and studies prepared by the department based upon such information shall be public information and may identify individual health care providers. The department of health and senior services may authorize the use of the data by other research organizations pursuant to the provisions of section 192.067. The department shall not use or release any information provided under section 192.665 and this section which would enable any person to determine any health care provider's negotiated discounts with specific preferred provider organizations or other managed care organizations. The department shall not release data in a form which could be used to identify a patient. Any violation of this subsection is a class A misdemeanor.

8. The department shall undertake a reasonable number of studies and publish information, including at least an annual consumer guide, in collaboration with health care providers, business coalitions and consumers based upon the information obtained pursuant to the provisions of section 192.665 and this section. The department shall allow all health care providers and associations and related organizations who have submitted data which will be used in any publication to review and comment on the publication prior to its publication or release for general use. The publication shall be made available to the public for a reasonable charge.

9. Any health care provider which continually and substantially, as these terms are defined by rule, fails to comply with the provisions of this section shall not be allowed to participate in any program administered by the state or to receive any moneys from the state.

10. A hospital, as defined in section 197.020, aggrieved by the department's determination of ineligibility for state moneys pursuant to subsection 9 of this section may appeal as provided in section 197.071. An ambulatory surgical center or abortion facility as defined in section 197.200 aggrieved by the department's determination of ineligibility for state moneys pursuant to subsection 9 of this section may

appeal as provided in section 197.221.

11. The department of health may promulgate rules providing for collection of data and publication of the incidence of health care-associated infections for other types of health facilities determined to be sources of infections; except that, physicians' offices shall be exempt from reporting and disclosure of such infections.

12. By January 1, 2017, the advisory panel shall recommend and the department shall adopt in regulation with an effective date of no later than January 1, 2018, the requirements for the reporting of the following types of infections as specified in this subsection:

(1) Infections associated with a minimum of four surgical procedures for hospitals and a minimum of two surgical procedures for ambulatory surgical centers that meet the following criteria:

(a) Are usually associated with an elective surgical procedure. An "elective surgical procedure" is a planned, nonemergency surgical procedure that may be either medically required such as a hip replacement or optional such as breast augmentation;

(b) Demonstrate a high priority aspect such as affecting a large number of patients, having a substantial impact for a smaller population, or being associated with substantial cost, morbidity, or mortality; or

(c) Are infections for which reports are collected by the National Healthcare Safety Network or its successor;

(2) Central line-related bloodstream infections;

(3) Health care-associated infections specified for reporting by hospitals, ambulatory surgical centers, and other health care facilities by the rules of the Centers for Medicare and Medicaid Services to the federal Centers for Disease Control and Prevention's National Healthcare Safety Network, or its successor; and

(4) Other categories of infections that may be established by rule by the department.

The department, in consultation with the advisory panel, shall be authorized to collect and report data on subsets of each type of infection described in this subsection.

13. In consultation with the infection control advisory panel established pursuant to section 197.165, the department shall develop and disseminate to the public reports based on data compiled for a period of twelve months. Such reports shall be updated quarterly and shall show for each hospital, ambulatory surgical center, abortion facility, and other facility metrics on risk-adjusted health care-associated infections under this section.

14. The types of infections under subsection 12 of this section to be publicly reported shall be determined by the department by rule and shall be consistent with the infections tracked by the National Healthcare Safety Network, or its successor.

15. Reports published pursuant to subsection 13 of this section shall be published and readily accessible on the department's internet website. The reports shall be distributed at least annually to the governor and members of the general assembly. The department shall make such reports available to the public for a period of at least two years.

16. The Hospital Industry Data Institute shall publish a report of Missouri hospitals', ambulatory surgical centers', and abortion facilities' compliance with standardized quality of care measures established by the federal Centers for Medicare and Medicaid Services for prevention of infections related to surgical

procedures. If the Hospital Industry Data Institute fails to do so by July 31, 2008, and annually thereafter, the department shall be authorized to collect information from the Centers for Medicare and Medicaid Services or from hospitals, ambulatory surgical centers, and abortion facilities and publish such information in accordance with this section.

17. The data collected or published pursuant to this section shall be available to the department for purposes of licensing hospitals, ambulatory surgical centers, and abortion facilities pursuant to chapter 197.

18. The department shall promulgate rules to implement the provisions of section 192.131 and sections 197.150 to 197.160. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

19. No later than August 28, 2017, each hospital, excluding mental health facilities as defined in section 632.005, and each ambulatory surgical center and abortion facility as defined in section 197.200, shall in consultation with its medical staff establish an antimicrobial stewardship program for evaluating the judicious use of antimicrobials, especially antibiotics that are the last line of defense against resistant infections. The hospital's stewardship program and the results of the program shall be monitored and evaluated by hospital quality improvement departments and shall be available upon inspection to the department. At a minimum, the antimicrobial stewardship program shall be designed to evaluate that hospitalized patients receive, in accordance with accepted medical standards of practice, the appropriate antimicrobial, at the appropriate dose, at the appropriate time, and for the appropriate duration.

20. Hospitals described in subsection 19 of this section shall meet the National Healthcare Safety Network requirements for reporting antimicrobial usage or resistance by using the Centers for Disease Control and Prevention's Antimicrobial Use and Resistance (AUR) Module when [regulations concerning Stage 3 of the Medicare and Medicaid Electronic Health Records Incentive Programs promulgated by the Centers for Medicare and Medicaid Services that enable the electronic interface for such reporting are effective] **conditions of participation promulgated by the Centers for Medicare and Medicaid Services requiring the electronic reporting of antibiotic use or antibiotic resistance by hospitals become effective**. When such antimicrobial usage or resistance reporting takes effect, hospitals shall authorize the National Healthcare Safety Network, or its successor, to disclose to the department facility-specific information reported to the AUR Module. Facility-specific data on antibiotic usage and resistance collected under this subsection shall not be disclosed to the public, but the department may release case-specific information to other facilities, physicians, and the public if the department determines on a case-by-case basis that the release of such information is necessary to protect persons in a public health emergency. **Nothing in this section shall prohibit a hospital from voluntarily reporting antibiotic use or antibiotic resistance data through the National Healthcare Safety Network, or its successor, prior to the effective date of the conditions of participation requiring the reporting.**

21. The department shall make a report to the general assembly beginning January 1, 2018, and on every January first thereafter on the incidence, type, and distribution of antimicrobial-resistant infections identified in the state and within regions of the state.

**197.108. 1. The department of health and senior services shall not assign an individual to inspect or survey a hospital, for any purpose, if the inspector or surveyor was an employee of such hospital or another hospital within its organization or a competing hospital within fifty miles of the hospital to be inspected or surveyed in the preceding two years.**

**2. For any inspection or survey of a hospital, regardless of the purpose, the department shall require every newly hired inspector or surveyor at the time of hiring or any currently employed inspector or surveyor as of August 28, 2019, to disclose:**

**(1) The name of every hospital in which he or she has been employed in the last ten years and the approximate length of service and the job title at the hospital; and**

**(2) The name of any member of his or her immediate family who has been employed in the last ten years or is currently employed at a hospital and the approximate length of service and the job title at the hospital.**

**The disclosures under this subsection shall be made to the department whenever the event giving rise to disclosure first occurs.**

**3. For purposes of this section, the phrase “immediate family member” shall mean a husband, wife, natural or adoptive parent, child, sibling, stepparent, stepchild, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, or grandchild.**

**4. The information provided under subsection 2 of this section shall be considered a public record under the provisions of section 610.010.**

**5. Any person may notify the department if facts exist that would lead a reasonable person to conclude that any inspector or surveyor has any personal or business affiliation that would result in a conflict of interest in conducting an inspection or survey for a hospital. Upon receiving such notice, the department, when assigning an inspector or surveyor to inspect or survey a hospital, for any purpose, shall take steps to verify the information and, if the department has reason to believe that such information is correct, the department shall not assign the inspector or surveyor to the hospital or any hospital within its organization so as to avoid an appearance of prejudice or favor to the hospital or bias on the part of the inspector or surveyor.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend Senate Bill No. 358, Page 2, Section 191.607, Line 16, by inserting after all of said section and line the following:

“374.500. As used in sections 374.500 to 374.515, the following terms mean:

(1) “Certificate”, a certificate of registration granted by the department of insurance, financial institutions and professional registration to a utilization review agent;

(2) “Director”, the director of the department of insurance, financial institutions and professional registration;

(3) “Enrollee”, an individual who has contracted for or who participates in coverage under a health

insurance policy, an employee welfare benefit plan, a health services corporation plan or any other benefit program providing payment, reimbursement or indemnification for health care costs for himself or eligible dependents or both himself and eligible dependents. The term “enrollee” shall not include an individual who has health care coverage pursuant to a liability insurance policy, workers’ compensation insurance policy, or medical payments insurance issued as a supplement to a liability policy;

(4) “Provider of record”, the physician or other licensed practitioner identified to the utilization review agent as having primary responsibility for the care, treatment and services rendered to an enrollee;

(5) “Utilization review”, a set of formal techniques designed to monitor the use of, or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of, health care services, procedures, or settings. Techniques 58 may include ambulatory review, [prospective] **prior authorization** review, second opinion, certification, concurrent review, case management, discharge planning or retrospective review. Utilization review shall not include elective requests for clarification of coverage;

(6) “Utilization review agent”, any person or entity performing utilization review, except:

(a) An agency of the federal government;

(b) An agent acting on behalf of the federal government, but only to the extent that the agent is providing services to the federal government; or

(c) Any individual person employed or used by a utilization review agent for the purpose of performing utilization review services, including, but not limited to, individual nurses and physicians, unless such individuals are providing utilization review services to the applicable benefit plan, pursuant to a direct contractual relationship with the benefit plan;

(d) An employee health benefit plan that is self-insured and qualified pursuant to the federal Employee Retirement Income Security Act of 1974, as amended;

(e) A property-casualty insurer or an employee or agent working on behalf of a property-casualty insurer;

(f) A health carrier, as defined in section 376.1350, that is performing a review of its own health plan;

(7) “Utilization review plan”, a summary of the utilization review procedures of a utilization review agent.

376.690. 1. As used in this section, the following terms shall mean:

(1) “Emergency medical condition”, the same meaning given to such term in section 376.1350;

(2) “Facility”, the same meaning given to such term in section 376.1350;

(3) “Health care professional”, the same meaning given to such term in section 376.1350;

(4) “Health carrier”, the same meaning given to such term in section 376.1350;

(5) “Unanticipated out-of-network care”, health care services received by a patient in an in-network facility from an out-of-network health care professional from the time the patient presents with an emergency medical condition until the time the patient is discharged.

2. (1) Health care professionals [may] **shall** send any claim for charges incurred for unanticipated out-of-network care to the patient’s health carrier within one hundred eighty days of the delivery of the unanticipated out-of-network care on a U.S. Centers of Medicare and Medicaid Services Form 1500, or its

successor form, or electronically using the 837 HIPAA format, or its successor.

(2) Within forty-five processing days, as defined in section 376.383, of receiving the health care professional's claim, the health carrier shall offer to pay the health care professional a reasonable reimbursement for unanticipated out-of-network care based on the health care professional's services. If the health care professional participates in one or more of the carrier's commercial networks, the offer of reimbursement for unanticipated out-of-network care shall be the amount from the network which has the highest reimbursement.

(3) If the health care professional declines the health carrier's initial offer of reimbursement, the health carrier and health care professional shall have sixty days from the date of the initial offer of reimbursement to negotiate in good faith to attempt to determine the reimbursement for the unanticipated out-of-network care.

(4) If the health carrier and health care professional do not agree to a reimbursement amount by the end of the sixty-day negotiation period, the dispute shall be resolved through an arbitration process as specified in subsection 4 of this section.

(5) To initiate arbitration proceedings, either the health carrier or health care professional must provide written notification to the director and the other party within one hundred twenty days of the end of the negotiation period, indicating their intent to arbitrate the matter and notifying the director of the billed amount and the date and amount of the final offer by each party. A claim for unanticipated out-of-network care may be resolved between the parties at any point prior to the commencement of the arbitration proceedings. Claims may be combined for purposes of arbitration, but only to the extent the claims represent similar circumstances and services provided by the same health care professional, and the parties attempted to resolve the dispute in accordance with subdivisions (3) to (5) of this subsection.

(6) No health care professional who sends a claim to a health carrier under subsection 2 of this section shall send a bill to the patient for any difference between the reimbursement rate as determined under this subsection and the health care professional's billed charge.

3. (1) When unanticipated out-of-network care is provided, the health care professional who sends a claim to a health carrier under subsection 2 of this section may bill a patient for no more than the cost-sharing requirements described under this section.

(2) Cost-sharing requirements shall be based on the reimbursement amount as determined under subsection 2 of this section.

(3) The patient's health carrier shall inform the health care professional of its enrollee's cost-sharing requirements within forty-five processing days of receiving a claim from the health care professional for services provided.

(4) The in-network deductible and out-of-pocket maximum cost-sharing requirements shall apply to the claim for the unanticipated out-of-network care.

4. The director shall ensure access to an external arbitration process when a health care professional and health carrier cannot agree to a reimbursement under subdivision (3) of subsection 2 of this section. In order to ensure access, when notified of a parties' intent to arbitrate, the director shall randomly select an arbitrator for each case from the department's approved list of arbitrators or entities that provide binding arbitration. The director shall specify the criteria for an approved arbitrator or entity by rule. The costs of



arbitration shall be shared equally between and will be directly billed to the health care professional and health carrier. These costs will include, but are not limited to, reasonable time necessary for the arbitrator to review materials in preparation for the arbitration, travel expenses and reasonable time following the arbitration for drafting of the final decision.

5. At the conclusion of such arbitration process, the arbitrator shall issue a final decision, which shall be binding on all parties. The arbitrator shall provide a copy of the final decision to the director. The initial request for arbitration, all correspondence and documents received by the department and the final arbitration decision shall be considered a closed record under section 374.071. However, the director may release aggregated summary data regarding the arbitration process. The decision of the arbitrator shall not be considered an agency decision nor shall it be considered a contested case within the meaning of section 536.010.

6. The arbitrator shall determine a dollar amount due under subsection 2 of this section between one hundred twenty percent of the Medicare-allowed amount and the seventieth percentile of the usual and customary rate for the unanticipated out-of-network care, as determined by benchmarks from independent nonprofit organizations that are not affiliated with insurance carriers or provider organizations.

7. When determining a reasonable reimbursement rate, the arbitrator shall consider the following factors if the health care professional believes the payment offered for the unanticipated out-of-network care does not properly recognize:

- (1) The health care professional's training, education, or experience;
- (2) The nature of the service provided;
- (3) The health care professional's usual charge for comparable services provided;
- (4) The circumstances and complexity of the particular case, including the time and place the services were provided; and
- (5) The average contracted rate for comparable services provided in the same geographic area.

8. The enrollee shall not be required to participate in the arbitration process. The health care professional and health carrier shall execute a nondisclosure agreement prior to engaging in an arbitration under this section.

9. [This section shall take effect on January 1, 2019.

10.] The department of insurance, financial institutions and professional registration may promulgate rules and fees as necessary to implement the provisions of this section, including but not limited to procedural requirements for arbitration. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

**376.1345. 1. As used in this section, unless the context clearly indicates otherwise, terms shall have the same meaning as ascribed to them in section 376.1350.**

**2. No health carrier, nor any entity acting on behalf of a health carrier, shall restrict methods of reimbursement to health care providers for health care services to a reimbursement method requiring the provider to pay a fee, discount the amount of their claim for reimbursement, or remit any other form of remuneration in order to redeem the amount of their claim for reimbursement.**

**3. If a health carrier initiates or changes the method used to reimburse a health care provider to a method of reimbursement that will require the health care provider to pay a fee, discount the amount of its claim for reimbursement, or remit any other form of remuneration to the health carrier or any entity acting on behalf of the health carrier in order to redeem the amount of its claim for reimbursement, the health carrier or an entity acting on its behalf shall:**

**(1) Notify such health care provider of the fee, discount, or other remuneration required to receive reimbursement through the new or different reimbursement method; and**

**(2) In such notice, provide clear instructions to the health care provider as to how to select an alternative payment method, and upon request such alternative payment method shall be used to reimburse the provider until the provider requests otherwise.**

**4. A health carrier shall allow the provider to select to be reimbursed by an electronic funds transfer through the Automated Clearing House Network as required pursuant to 45 C.F.R. Sections 162.925, 162.1601, and 162.1602, and if the provider makes such selection, the health carrier shall use such reimbursement method to reimburse the provider until the provider requests otherwise.**

**5. Violation of this section shall be deemed an unfair trade practice under sections 375.930 to 375.948.**

376.1350. For purposes of sections 376.1350 to 376.1390, the following terms mean:

(1) “Adverse determination”, a determination by a health carrier or [its designee] **a utilization review [organization] entity that an admission, availability of care, continued stay or other health care service furnished or proposed to be furnished to an enrollee** has been reviewed and, based upon the information provided, does not meet the **utilization review entity or** health carrier’s requirements for medical necessity, appropriateness, health care setting, level of care or effectiveness, **or are experimental or investigational**, and the payment for the requested service is therefore denied, reduced or terminated;

(2) “Ambulatory review”, utilization review of health care services performed or provided in an outpatient setting;

(3) “Case management”, a coordinated set of activities conducted for individual patient management of serious, complicated, protracted or other health conditions;

(4) “Certification”, a determination by a health carrier or [its designee] **a utilization review [organization] entity that an admission, availability of care, continued stay or other health care service has been reviewed and, based on the information provided, satisfies the health carrier’s requirements for medical necessity, appropriateness, health care setting, level of care and effectiveness, and that payment will be made for that health care service provided the patient is an enrollee of the health benefit plan at the time the service is provided;**

(5) “Clinical peer”, a physician or other health care professional who holds a nonrestricted license in a state of the United States and in the same or similar specialty as typically manages the medical condition, procedure or treatment under review;

(6) “Clinical review criteria”, the **written policies**, written screening procedures, **drug formularies or lists of covered drugs, determination rules**, decision abstracts, clinical protocols [and], **medical protocols**, practice guidelines, **and any other criteria or rationale** used by the health carrier **or utilization review entity** to determine the necessity and appropriateness of health care services;

(7) “Concurrent review”, utilization review conducted during a patient’s hospital stay or course of treatment;

(8) “Covered benefit” or “benefit”, a health care service that an enrollee is entitled under the terms of a health benefit plan;

(9) “Director”, the director of the department of insurance, financial institutions and professional registration;

(10) “Discharge planning”, the formal process for determining, prior to discharge from a facility, the coordination and management of the care that a patient receives following discharge from a facility;

(11) “Drug”, any substance prescribed by a licensed health care provider acting within the scope of the provider’s license and that is intended for use in the diagnosis, mitigation, treatment or prevention of disease. The term includes only those substances that are approved by the FDA for at least one indication;

(12) “Emergency medical condition”, the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity, regardless of the final diagnosis that is given, that would lead a prudent lay person, possessing an average knowledge of medicine and health, to believe that immediate medical care is required, which may include, but shall not be limited to:

(a) Placing the person’s health in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain; or

(e) With respect to a pregnant woman who is having contractions:

a. That there is inadequate time to effect a safe transfer to another hospital before delivery; or

b. That transfer to another hospital may pose a threat to the health or safety of the woman or unborn child;

(13) “Emergency service”, a health care item or service furnished or required to evaluate and treat an emergency medical condition, which may include, but shall not be limited to, health care services that are provided in a licensed hospital’s emergency facility by an appropriate provider;

(14) “Enrollee”, a policyholder, subscriber, covered person or other individual participating in a health benefit plan;

(15) “FDA”, the federal Food and Drug Administration;

(16) “Facility”, an institution providing health care services or a health care setting, including but not limited to hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, skilled nursing centers, residential treatment centers, diagnostic, laboratory and imaging centers, and rehabilitation and other therapeutic health settings;

(17) “Grievance”, a written complaint submitted by or on behalf of an enrollee regarding the:

(a) Availability, delivery or quality of health care services, including a complaint regarding an adverse determination made pursuant to utilization review;

(b) Claims payment, handling or reimbursement for health care services; or

(c) Matters pertaining to the contractual relationship between an enrollee and a health carrier;

(18) “Health benefit plan”, a policy, contract, certificate or agreement entered into, offered or issued by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services; except that, health benefit plan shall not include any coverage pursuant to liability insurance policy, workers’ compensation insurance policy, or medical payments insurance issued as a supplement to a liability policy;

(19) “Health care professional”, a physician or other health care practitioner licensed, accredited or certified by the state of Missouri to perform specified health services consistent with state law;

(20) “Health care provider” or “provider”, a health care professional or a facility;

(21) “Health care service”, a service for the diagnosis, prevention, treatment, cure or relief of a health condition, illness, injury or disease, **including but not limited to the provision of drugs or durable medical equipment**;

(22) “Health carrier”, an entity subject to the insurance laws and regulations of this state that contracts or offers to contract to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation, or any other entity providing a plan of health insurance, health benefits or health services; except that such plan shall not include any coverage pursuant to a liability insurance policy, workers’ compensation insurance policy, or medical payments insurance issued as a supplement to a liability policy;

(23) “Health indemnity plan”, a health benefit plan that is not a managed care plan;

(24) “Managed care plan”, a health benefit plan that either requires an enrollee to use, or creates incentives, including financial incentives, for an enrollee to use, health care providers managed, owned, under contract with or employed by the health carrier;

(25) “Participating provider”, a provider who, under a contract with the health carrier or with its contractor or subcontractor, has agreed to provide health care services to enrollees with an expectation of receiving payment, other than coinsurance, co-payments or deductibles, directly or indirectly from the health carrier;

(26) “Peer-reviewed medical literature”, a published scientific study in a journal or other publication in which original manuscripts have been published only after having been critically reviewed for scientific accuracy, validity and reliability by unbiased independent experts, and that has been determined by the International Committee of Medical Journal Editors to have met the uniform requirements for manuscripts submitted to biomedical journals or is published in a journal specified by the United States Department of Health and Human Services pursuant to Section 1861(t)(2)(B) of the Social Security Act (**42 U.S.C. 1395x**), as amended, as acceptable peer-reviewed medical literature. Peer-reviewed medical literature shall not include publications or supplements to publications that are sponsored to a significant extent by a pharmaceutical manufacturing company or health carrier;

(27) “Person”, an individual, a corporation, a partnership, an association, a joint venture, a joint stock company, a trust, an unincorporated organization, any similar entity or any combination of the foregoing;

(28) **“Prior authorization”, a certification made pursuant to a prior authorization review, or notice as required by a health carrier or utilization review entity prior to the provision of health care services;**

(29) **“[Prospective review] Prior authorization review”, utilization review conducted prior to an admission or a course of treatment, including but not limited to pre-admission review, pre-treatment review, utilization review, and case management;**

[(29)] (30) “Retrospective review”, utilization review of medical necessity that is conducted after services have been provided to a patient, but does not include the review of a claim that is limited to an evaluation of reimbursement levels, veracity of documentation, accuracy of coding or adjudication for payment;

[(30)] (31) “Second opinion”, an opportunity or requirement to obtain a clinical evaluation by a provider other than the one originally making a recommendation for a proposed health service to assess the clinical necessity and appropriateness of the initial proposed health service;

[(31)] (32) “Stabilize”, with respect to an emergency medical condition, that no material deterioration of the condition is likely to result or occur before an individual may be transferred;

[(32)] (33) “Standard reference compendia”:

(a) The American Hospital Formulary Service-Drug Information; or

(b) The United States Pharmacopoeia-Drug Information;

[(33)] (34) “Utilization review”, a set of formal techniques designed to monitor the use of, or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of, health care services, procedures, or settings. Techniques may include ambulatory review, [prospective] **prior authorization review**, second opinion, certification, concurrent review, case management, discharge planning or retrospective review. Utilization review shall not include elective requests for clarification of coverage;

[(34)] (35) **“Utilization review [organization] entity”, a utilization review agent as defined in section 374.500, or an individual or entity that performs prior authorization reviews for a health carrier or health care provider. A health carrier or health care provider is a utilization review entity if it performs prior authorization review.**

376.1356. Whenever a health carrier contracts to have a utilization review [organization or other] entity perform the utilization review functions required by sections 376.1350 to 376.1390 or applicable rules and regulations, the health carrier shall be responsible for monitoring the activities of the utilization review [organization or] entity with which the health carrier contracts and for ensuring that the requirements of sections 376.1350 to 376.1390 and applicable rules and regulations are met.

376.1363. 1. A health carrier shall maintain written procedures for making utilization review decisions and for notifying enrollees and providers acting on behalf of enrollees of its decisions. For purposes of this section, “enrollee” includes the representative of an enrollee.

2. For [initial] determinations, a health carrier shall make the determination within thirty-six hours, which shall include one working day, of obtaining all necessary information regarding a proposed

admission, procedure or service requiring a review determination. For purposes of this section, “necessary information” includes the results of any face-to-face clinical evaluation or second opinion that may be required:

(1) In the case of a determination to certify an admission, procedure or service, the carrier shall notify the provider rendering the service by telephone or electronically within twenty-four hours of making the [initial] certification, and provide written or electronic confirmation of a telephone or electronic notification to the enrollee and the provider within two working days of making the [initial] certification;

(2) In the case of an adverse determination, the carrier shall notify the provider rendering the service by telephone or electronically within twenty-four hours of making the adverse determination; and shall provide written or electronic confirmation of a telephone or electronic notification to the enrollee and the provider within one working day of making the adverse determination.

3. For concurrent review determinations, a health carrier shall make the determination within one working day of obtaining all necessary information:

(1) In the case of a determination to certify an extended stay or additional services, the carrier shall notify by telephone or electronically the provider rendering the service within one working day of making the certification, and provide written or electronic confirmation to the enrollee and the provider within one working day after telephone or electronic notification. The written notification shall include the number of extended days or next review date, the new total number of days or services approved, and the date of admission or initiation of services;

(2) In the case of an adverse determination, the carrier shall notify by telephone or electronically the provider rendering the service within twenty-four hours of making the adverse determination, and provide written or electronic notification to the enrollee and the provider within one working day of a telephone or electronic notification. The service shall be continued without liability to the enrollee until the enrollee has been notified of the determination.

4. For retrospective review determinations, a health carrier shall make the determination within thirty working days of receiving all necessary information. A carrier shall provide notice in writing of the carrier’s determination to an enrollee within ten working days of making the determination.

5. A written notification of an adverse determination shall include the principal reason or reasons for the determination, **including the clinical rationale, and** the instructions for initiating an appeal or reconsideration of the determination[, and the instructions for requesting a written statement of the clinical rationale, including the clinical review criteria used to make the determination]. A health carrier shall provide the clinical rationale in writing for an adverse determination, including the clinical review criteria used to make that determination, to **the health care provider and to** any party who received notice of the adverse determination [and who requests such information].

6. A health carrier shall have written procedures to address the failure or inability of a provider or an enrollee to provide all necessary information for review. **These procedures shall be made available to health care providers on the health carrier’s website or provider portal.** In cases where the provider or an enrollee will not release necessary information, the health carrier may deny certification of an admission, procedure or service.

**7. Provided the patient is an enrollee of the health benefit plan, no utilization review entity shall revoke, limit, condition, or otherwise restrict a prior authorization within forty-five working days of**

the date the health care provider receives the prior authorization.

**8. Provided the patient is an enrollee of the health benefit plan at the time the service is provided, no health carrier, utilization review entity, or health care provider shall bill an enrollee for any health care service for which a prior authorization was in effect at the time the health care service was provided, except as consistent with cost-sharing requirements applicable to a covered benefit under the enrollee's health benefit plan. Such cost-sharing shall be subject to and applied toward any in-network deductible or out-of-pocket maximum applicable to the enrollee's health benefit plan.**

**376.1364. 1. Any utilization review entity performing prior authorization review shall provide a unique confirmation number to a provider upon receipt from that provider of a request for prior authorization. Except as otherwise requested by the provider in writing, unique confirmation numbers shall be transmitted or otherwise communicated through the same medium through which the requests for prior authorization were made.**

**2. No later than January 1, 2021, utilization review entities shall accept and respond to requests for prior authorization of drug benefits through a secure electronic transmission using the National Council for Prescription Drugs SCRIPT Standard Version 2017071 or a backwards-compatible successor adopted by the United States Department of Health and Human Services. For purposes of this subsection, facsimile, proprietary payer portals, and electronic forms shall not be considered electronic transmission.**

**3. No later than January 1, 2021, utilization review entities shall accept and respond to requests for prior authorization of health care services and mental health services electronically. For purposes of this subsection, facsimile, proprietary payer portals, and electronic forms shall not be considered electronic transmission.**

**4. No later than January 1, 2021, each health carrier utilizing prior authorization review shall develop a single secure electronic prior authorization cover page for all of its health benefit plans utilizing prior authorization review, which the carrier or its utilization review entity shall use to accept and respond to, and which providers shall use to submit, requests for prior authorization. Such cover page shall include, but not be limited to, fields for patient or enrollee information, referring or requesting provider information, rendering or attending provider information, and required clinical information, and shall be supplemented by additional clinical information as required by the health carrier or utilization review entity.**

**376.1372. 1. In the certificate of coverage and the member handbook provided to enrollees, a health carrier shall include a clear and comprehensive description of its utilization review procedures, including the procedures for obtaining review of adverse determinations, and a statement of rights and responsibilities of enrollees with respect to those procedures.**

**2. A health carrier shall include a summary of its utilization review procedures in material intended for prospective enrollees.**

**3. A health carrier shall print on its membership cards a toll-free telephone number to call for utilization review decisions.**

**4. (1) A health carrier or utilization review entity shall make any current prior authorization requirements or restrictions, including written clinical review criteria, readily accessible on its website**

or provider portal. Requirements and restrictions, including step therapy protocols as such term is defined in section 376.2030, shall be described in detail.

(2) No health carrier or utilization review entity shall amend or implement a new prior authorization requirement or restriction prior to the change being reflected on the carrier or utilization review entity's website or provider portal as specified in subdivision (1) of this subsection.

(3) Health carriers and utilization review entities shall provide participating providers with written or electronic notice of the new or amended requirement not less than sixty days prior to implementing the requirement or restriction.

376.1385. 1. Upon receipt of a request for second-level review, a health carrier shall submit the grievance to a grievance advisory panel consisting of:

(1) Other enrollees;

(2) Representatives of the health carrier that were not involved in the circumstances giving rise to the grievance or in any subsequent investigation or determination of the grievance; and

(3) Where the grievance involves an adverse determination, a majority of persons that are [appropriate] clinical peers **licensed to practice** in the same or similar specialty as would typically manage the case being reviewed that were not involved in the circumstances giving rise to the grievance or in any subsequent investigation or determination of the grievance.

2. Review by the grievance advisory panel shall follow the same time frames as a first level review, except as provided for in section 376.1389 if applicable. Any decision of the grievance advisory panel shall include notice of the enrollee's or the health carrier's or plan sponsor's rights to file an appeal with the director's office of the grievance advisory panel's decision. The notice shall contain the toll-free telephone number and address of the director's office."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend Senate Bill No. 358, Page 1, Section A, Line 3, by inserting after said section and line the following:

**"21.790. 1. There is hereby established the "Task Force on Substance Abuse Prevention and Treatment". The task force shall be composed of six members from the house of representatives, six members from the senate, and four members appointed by the governor. The senate members of the task force shall be appointed by the president pro tempore of the senate and the house members by the speaker of the house of representatives. There shall be at least two members from the minority party of the senate and at least two members from the minority party of the house of representatives. The members appointed by the governor shall include one member from the health care industry, one member who is a first responder or law enforcement officer, one member who is a member of the judiciary or a prosecuting attorney, and one member representing a substance abuse prevention advocacy group.**

**2. The task force shall select a chairperson and a vice-chairperson, one of whom shall be a member of the senate and one a member of the house of representatives. A majority of the members shall constitute a quorum. The task force shall meet at least once during each legislative session and at all**



other times as the chairperson may designate.

**3. The task force shall:**

**(1) Conduct hearings on current and estimated future drug and substance use and abuse within the state;**

**(2) Explore solutions to substance abuse issues; and**

**(3) Draft or modify legislation as necessary to effectuate the goals of finding and funding education and treatment solutions to curb drug and substance use and abuse.**

**4. The task force may make reasonable requests for staff assistance from the research and appropriations staffs of the senate and house of representatives and the joint committee on legislative research. In the performance of its duties, the task force may request assistance or information from all branches of government and state departments, agencies, boards, commissions, and offices.**

**5. The task force shall report annually to the general assembly and the governor. The report shall include recommendations for legislation pertaining to substance abuse prevention and treatment.”; and**

Further amend said bill, Page 2, Section 191.607, Line 16, by inserting after said section and line the following:

**“191.1164. 1. Sections 191.1164 to 191.1168 shall be known and may be cited as the**

**“Ensuring Access to High Quality Care for the Treatment of Substance Use Disorders Act”.**

**2. As used in sections 191.1164 to 191.1168, the following terms shall mean:**

**(1) “Behavioral therapy”, an individual, family, or group therapy designed to help patients engage in the treatment process, modify their attitudes and behaviors related to substance use, and increase healthy life skills;**

**(2) “Department of insurance”, the department that has jurisdiction regulating health insurers;**

**(3) “Financial requirements”, deductibles, co-payments, coinsurance, or out-of-pocket maximums;**

**(4) “Health care professional”, a physician or other health care practitioner licensed, accredited, or certified by the state of Missouri to perform specified health services;**

**(5) “Health insurance plan”, an individual or group plan that provides, or pays the cost of, health care items or services;**

**(6) “Health insurer”, any person or entity that issues, offers, delivers, or administers a health insurance plan;**

**(7) “Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA)”, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 found at 42 U.S.C. 300gg-26 and its implementing and related regulations found at 45 CFR 146.136, 45 CFR 147.160, and 45 CFR 156.115;**

**(8) “Nonquantitative treatment limitation” or “NQTL”, any limitation on the scope or duration of treatment that is not expressed numerically;**

**(9) “Pharmacologic therapy”, a prescribed course of treatment that may include methadone,**

buprenorphine, naltrexone, or other FDA-approved or evidence-based medications for the treatment of substance use disorder;

(10) “Pharmacy benefits manager”, an entity that contracts with pharmacies on behalf of health carriers or any health plan sponsored by the state or a political subdivision of the state;

(11) “Prior authorization”, the process by which the health insurer or the pharmacy benefits manager determines the medical necessity of otherwise covered health care services prior to the rendering of such health care services. “Prior authorization” also includes any health insurer’s or utilization review entity’s requirement that a subscriber or health care provider notify the health insurer or utilization review entity prior to receiving or providing a health care service;

(12) “Quantitative treatment limitation” or “QTL”, numerical limits on the scope or duration of treatment, which include annual, episode, and lifetime day and visit limits;

(13) “Step therapy”, a protocol or program that establishes the specific sequence in which prescription drugs for a medical condition that are medically appropriate for a particular patient are authorized by a health insurer or prescription drug management company;

(14) “Urgent health care service”, a health care service with respect to which the application of the time period for making a non-expedited prior authorization, in the opinion of a physician with knowledge of the enrollee’s medical condition:

(a) Could seriously jeopardize the life or health of the subscriber or the ability of the enrollee to regain maximum function; or

(b) Could subject the enrollee to severe pain that cannot be adequately managed without the care or treatment that is the subject of the utilization review.

3. For the purpose of this section, “urgent health care service” shall include services provided for the treatment of substance use disorders.

191.1165. 1. Medication-assisted treatment (MAT) shall include pharmacologic therapies. A formulary used by a health insurer or managed by a pharmacy benefits manager, or medical benefit coverage in the case of medications dispensed through an opioid treatment program, shall include:

- (1) Buprenorphine tablets;
- (2) Methadone;
- (3) Naloxone;
- (4) Extended-release injectable naltrexone; and
- (5) Buprenorphine/naloxone combination.

2. All MAT medications required for compliance in this section shall be placed on the lowest cost-sharing tier of the formulary managed by the health insurer or the pharmacy benefits manager.

3. MAT medications provided for in this section shall not be subject to any of the following:

- (1) Any annual or lifetime dollar limitations;
- (2) Financial requirements and quantitative treatment limitations that do not comply with the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA), specifically 45 CFR

**146.136(c)(3);**

**(3) Step therapy or other similar drug utilization strategy or policy when it conflicts or interferes with a prescribed or recommended course of treatment from a licensed health care professional; and**

**(4) Prior authorization for MAT medications as specified in this section.**

**4. MAT medications outlined in this section shall apply to all health insurance plans delivered in the state of Missouri.**

**5. Any entity that holds itself out as a treatment program or that applies for licensure by the state to provide clinical treatment services for substance use disorders shall be required to disclose the MAT services it provides, as well as which of its levels of care have been certified by an independent, national, or other organization that has competencies in the use of the applicable placement guidelines and level of care standards.**

**6. The MO HealthNet program shall cover the MAT medications and services provided for in this section and include those MAT medications in its preferred drug lists for the treatment of substance use disorders and prevention of overdose and death. The preferred drug list shall include all current and new formulations and medications that are approved by the U.S. Food and Drug Administration for the treatment of substance use disorders.**

**7. Drug courts or other diversion programs that provide for alternatives to jail or prison for persons with a substance use disorder shall be required to ensure all persons under their care are assessed for substance use disorders using standard diagnostic criteria by a licensed physician who actively treats patients with substance use disorders. The court or other diversion program shall make available the MAT services covered under this section, consistent with a treatment plan developed by the physician, and shall not impose any limitations on the type of medication or other treatment prescribed or the dose or duration of MAT recommended by the physician.**

**8. Requirements under this section shall not be subject to a covered person's prior success or failure of the services provided.**

**191.1167. Any contract provision, written policy, or written procedure in violation of sections 191.1164 to 191.1168 shall be deemed to be unenforceable and shall be null and void.**

**191.1168. If any provision of sections 191.1164 to 191.1168 or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of sections 191.1164 to 191.1168 which may be given effect without the invalid provision or application, and to that end the provisions of sections 191.1164 to 191.1168 are severable.**

**195.060. 1. Except as provided in subsection 4 of this section, a pharmacist, in good faith, may sell and dispense controlled substances to any person only upon a prescription of a practitioner as authorized by statute, provided that the controlled substances listed in Schedule V may be sold without prescription in accordance with regulations of the department of health and senior services. All written prescriptions shall be signed by the person prescribing the same, **except for electronic prescriptions**. All prescriptions shall be dated on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is prescribed, and the full name, address, and the registry number under the federal controlled substances laws of the person prescribing, if he or she is required by those laws to be so registered. If the prescription is for an animal, it shall state the species of the animal for which the**

drug is prescribed. The person filling the prescription shall either write the date of filling and his or her own signature on the prescription or retain the date of filling and the identity of the dispenser as electronic prescription information. The prescription or electronic prescription information shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this law. No prescription for a drug in Schedule I or II shall be filled more than six months after the date prescribed; no prescription for a drug in Schedule I or II shall be refilled; no prescription for a drug in Schedule III or IV shall be filled or refilled more than six months after the date of the original prescription or be refilled more than five times unless renewed by the practitioner.

2. A pharmacist, in good faith, may sell and dispense controlled substances to any person upon a prescription of a practitioner located in another state, provided that the:

(1) Prescription was issued according to and in compliance with the applicable laws of that state and the United States; and

(2) Quantity limitations in subsection 4 of section 195.080 apply to prescriptions dispensed to patients located in this state.

3. The legal owner of any stock of controlled substances in a pharmacy, upon discontinuance of dealing in such drugs, may sell the stock to a manufacturer, wholesaler, or pharmacist, but only on an official written order.

4. A pharmacist, in good faith, may sell and dispense any Schedule II drug or drugs to any person in emergency situations as defined by rule of the department of health and senior services upon an oral prescription by an authorized practitioner.

5. Except where a bona fide physician-patient-pharmacist relationship exists, prescriptions for narcotics or hallucinogenic drugs shall not be delivered to or for an ultimate user or agent by mail or other common carrier.

195.080. 1. Except as otherwise provided in this chapter and chapter 579, this chapter and chapter 579 shall not apply to the following cases: prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that this chapter and chapter 579 shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

2. Unless otherwise provided in sections 334.037, 334.104, and 334.747, a practitioner, other than a veterinarian, shall not issue an initial prescription for more than a seven-day supply of any opioid controlled substance upon the initial consultation and treatment of a patient for acute pain. Upon any subsequent consultation for the same pain, the practitioner may issue any appropriate renewal, refill, or new prescription in compliance with the general provisions of this chapter and chapter 579. Prior to issuing an initial prescription for an opioid controlled substance, a practitioner shall consult with the patient regarding the quantity of the opioid and the patient's option to fill the prescription in a lesser quantity and shall inform the patient of the risks associated with the opioid prescribed. If, in the professional medical judgment of the practitioner, more than a seven-day supply is required to treat the patient's acute pain, the practitioner may issue a prescription for the quantity needed to treat the patient; provided, that the practitioner shall document in the patient's medical record the condition triggering the necessity for more than a seven-day supply and

that a nonopioid alternative was not appropriate to address the patient's condition. The provisions of this subsection shall not apply to prescriptions for opioid controlled substances for a patient who is currently undergoing treatment for cancer **or sickle cell disease**, is receiving hospice care from a hospice certified under chapter 197 or palliative care, is a resident of a long-term care facility licensed under chapter 198, or is receiving treatment for substance abuse or opioid dependence.

3. A pharmacist or pharmacy shall not be subject to disciplinary action or other civil or criminal liability for dispensing or refusing to dispense medication in good faith pursuant to an otherwise valid prescription that exceeds the prescribing limits established by subsection 2 of this section.

4. Unless otherwise provided in this section, the quantity of Schedule II controlled substances prescribed or dispensed at any one time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of this chapter and chapter 579. The supply limitations provided in this subsection may be increased up to three months if the physician describes on the prescription form or indicates via telephone, fax, or electronic communication to the pharmacy to be entered on or attached to the prescription form the medical reason for requiring the larger supply. The supply limitations provided in this subsection shall not apply if:

(1) The prescription is issued by a practitioner located in another state according to and in compliance with the applicable laws of that state and the United States and dispensed to a patient located in another state; or

(2) The prescription is dispensed directly to a member of the United States Armed Forces serving outside the United States.

5. The partial filling of a prescription for a Schedule II substance is permissible as defined by regulation by the department of health and senior services.

195.100. 1. It shall be unlawful to distribute any controlled substance in a commercial container unless such container bears a label containing an identifying symbol for such substance in accordance with federal laws.

2. It shall be unlawful for any manufacturer of any controlled substance to distribute such substance unless the labeling thereof conforms to the requirements of federal law and contains the identifying symbol required in subsection 1 of this section.

3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such narcotic or dangerous drug to any person other than the patient.

4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a wholesaler sells or dispenses a controlled substance in a package prepared by him or her, the manufacturer or wholesaler shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person except a pharmacist for the purpose of filling a prescription under this chapter, shall alter, deface, or remove any label so affixed.

5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance on a prescription issued by a physician, physician assistant, dentist, podiatrist, veterinarian, or advanced practice registered

nurse, the pharmacist or practitioner shall affix to the container in which such drug is sold or dispensed a label showing his or her own name and address of the pharmacy or practitioner for whom he or she is lawfully acting; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; the name of the physician, physician assistant, dentist, podiatrist, advanced practice registered nurse, or veterinarian by whom the prescription was written; the name of the collaborating physician if the prescription is written by an advanced practice registered nurse or [the supervising physician if the prescription is written by] a physician assistant, and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.

**195.550. 1. Notwithstanding any other provision of this section or any other law to the contrary, beginning January 1, 2021, no person shall issue any prescription in this state for any Schedule II, III, or IV controlled substance unless the prescription is made by electronic prescription from the person issuing the prescription to a pharmacy, except for prescriptions:**

- (1) Issued by veterinarians;**
- (2) Issued in circumstances where electronic prescribing is not available due to temporary technological or electrical failure;**
- (3) Issued by a practitioner to be dispensed by a pharmacy located outside the state;**
- (4) Issued when the prescriber and dispenser are the same entity;**
- (5) Issued that include elements that are not supported by the most recently implemented version of the National Council for Prescription Drug Programs Prescriber/Pharmacist Interface SCRIPT Standard;**
- (6) Issued by a practitioner for a drug that the federal Food and Drug Administration requires the prescription to contain certain elements that are not able to be accomplished with electronic processing;**
- (7) Issued by a practitioner allowing for the dispensing of a nonpatient specific prescription pursuant to a standing order, approved protocol for drug therapy, collaborative drug management or comprehensive medication management, in response to a public health emergency, or other circumstances where the practitioner may issue a nonpatient specific prescription;**
- (8) Issued by a practitioner prescribing a drug under a research protocol;**
- (9) Issued by practitioners who have received an annual waiver, or a renewal thereof, from the requirement to use electronic prescribing, pursuant to a process established in regulation by the department of health and senior services, due to economic hardship, technological limitations, or other exceptional circumstances demonstrated by the practitioner;**
- (10) Issued by a practitioner under circumstances where, notwithstanding the practitioner's present ability to make an electronic prescription as required by this subsection, such practitioner reasonably determines that it would be impractical for the patient to obtain substances prescribed by electronic prescription in a timely manner, and such delay would adversely impact the patient's medical condition; or**
- (11) Issued where the patient specifically requests a written prescription.**

**2. A pharmacist who receives a written, oral, or faxed prescription is not required to verify that**

**the prescription properly falls under one of the exceptions from the requirement to electronically prescribe. Pharmacists may continue to dispense medications from otherwise valid written, oral, or fax prescriptions that are consistent with state and federal laws and regulations.**

**3. An individual who violates the provisions of this section may be subject to discipline by his or her professional licensing board.**

196.100. 1. Any manufacturer, packer, distributor or seller of drugs or devices in this state shall comply with the current federal labeling requirements contained in the Federal Food, Drug and Cosmetic Act, as amended, and any federal regulations promulgated thereunder. Any drug or device which contains labeling that is not in compliance with the provisions of this section shall be deemed misbranded.

2. A drug dispensed on **an electronic prescription** or a written prescription signed by a licensed physician, dentist, or veterinarian, except a drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to a diagnosis by mail, shall be exempt from the requirements of this section if such physician, dentist, or veterinarian is licensed by law to administer such drug, and such drug bears a label containing the name and place of business of the dispenser, the serial number and date of such prescription, and the name of such physician, dentist, or veterinarian.

3. The department is hereby directed to promulgate regulations exempting from any labeling or packaging requirement of sections 196.010 to 196.120, drugs and devices which are, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such drugs and devices are not adulterated or misbranded under the provisions of said sections upon removal from such processing, labeling, or repacking establishment.

208.790. 1. The applicant shall have or intend to have a fixed place of residence in Missouri, with the present intent of maintaining a permanent home in Missouri for the indefinite future. The burden of establishing proof of residence within this state is on the applicant. The requirement also applies to persons residing in long-term care facilities located in the state of Missouri.

2. The department shall promulgate rules outlining standards for documenting proof of residence in Missouri. Documents used to show proof of residence shall include the applicant's name and address in the state of Missouri.

3. Applicant household income limits for eligibility shall be subject to appropriations, but in no event shall applicants have household income that is greater than one hundred eighty-five percent of the federal poverty level for the applicable family size for the applicable year as converted to the MAGI equivalent net income standard. [The provisions of this subsection shall only apply to Medicaid dual eligible individuals.]

4. The department shall promulgate rules outlining standards for documenting proof of household income.

221.111. 1. A person commits the offense of possession of unlawful items in a prison or jail if such person knowingly delivers, attempts to deliver, possesses, deposits, or conceals in or about the premises of any correctional center as the term "correctional center" is defined under section 217.010, or any city, county, or private jail:

(1) Any controlled substance as that term is defined by law, except upon the written **or electronic** prescription of a licensed physician, dentist, or veterinarian;

(2) Any other alkaloid of any kind or any intoxicating liquor as the term intoxicating liquor is defined in section 311.020;

(3) Any article or item of personal property which a prisoner is prohibited by law, by rule made pursuant to section 221.060, or by regulation of the department of corrections from receiving or possessing, except as herein provided;

(4) Any gun, knife, weapon, or other article or item of personal property that may be used in such manner as to endanger the safety or security of the institution or as to endanger the life or limb of any prisoner or employee thereof.

2. The violation of subdivision (1) of subsection 1 of this section shall be a class D felony; the violation of subdivision (2) of this section shall be a class E felony; the violation of subdivision (3) of this section shall be a class A misdemeanor; and the violation of subdivision (4) of this section shall be a class B felony.

3. The chief operating officer of a county or city jail or other correctional facility or the administrator of a private jail may deny visitation privileges to or refer to the county prosecuting attorney for prosecution any person who knowingly delivers, attempts to deliver, possesses, deposits, or conceals in or about the premises of such jail or facility any personal item which is prohibited by rule or regulation of such jail or facility. Such rules or regulations, including a list of personal items allowed in the jail or facility, shall be prominently posted for viewing both inside and outside such jail or facility in an area accessible to any visitor, and shall be made available to any person requesting such rule or regulation. Violation of this subsection shall be an infraction if not covered by other statutes.

4. Any person who has been found guilty of a violation of subdivision (2) of subsection 1 of this section involving any alkaloid shall be entitled to expungement of the record of the violation. The procedure to expunge the record shall be pursuant to section 610.123. The record of any person shall not be expunged if such person has been found guilty of knowingly delivering, attempting to deliver, possessing, depositing, or concealing any alkaloid of any controlled substance in or about the premises of any correctional center, or city or county jail, or private prison or jail.

**332.361. 1. For purposes of this section, the following terms shall mean:**

**(1) “Acute pain”, shall have the same meaning as in section 195.010;**

**(2) “Long-acting or extended-release opioids”, formulated in such a manner as to make the contained medicament available over an extended period of time following ingestion.**

2. Any duly registered and currently licensed dentist in Missouri may write, and any pharmacist in Missouri who is currently licensed under the provisions of chapter 338 and any amendments thereto, may fill any prescription of a duly registered and currently licensed dentist in Missouri for any drug necessary or proper in the practice of dentistry, provided that no such prescription is in violation of either the Missouri or federal narcotic drug act.

[2.] 3. Any duly registered and currently licensed dentist in Missouri may possess, have under his control, prescribe, administer, dispense, or distribute a “controlled substance” as that term is defined in section 195.010 only to the extent that:

(1) The dentist possesses the requisite valid federal and state registration to distribute or dispense that class of controlled substance;

(2) The dentist prescribes, administers, dispenses, or distributes the controlled substance in the course



of his professional practice of dentistry, and for no other reason;

(3) A bona fide dentist-patient relationship exists; and

(4) The dentist possesses, has under his control, prescribes, administers, dispenses, or distributes the controlled substance in accord with all pertinent requirements of the federal and Missouri narcotic drug and controlled substances acts, including the keeping of records and inventories when required therein.

**4. Long-acting or extended-release opioids shall not be used for the treatment of acute pain. If in the professional judgement of the dentist, a long-acting or extended-release opioid is necessary to treat the patient, the dentist shall document and explain in the patient's dental record the reason for the necessity for the long-acting or extended-release opioid.**

**5. Dentists shall avoid prescribing doses greater than fifty morphine milligram equivalent (MME) per day for treatment of acute pain. If in the professional judgement of the dentist, doses greater than fifty MME are necessary to treat the patient, the dentist shall document and explain in the patient's dental record the reason for the necessity for the dose greater than fifty MME. The relative potency of opioids is represented by a value assigned to individual opioids known as a morphine milligram equivalent (MME). The MME value represents how many milligrams of a particular opioid is equivalent to one milligram of morphine. The Missouri dental board shall maintain a MME conversion chart and instructions for calculating MME on its website to assist licensees with calculating MME.**

338.010. 1. The "practice of pharmacy" means the interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is higher, or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral influenza vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices; **the prescribing and dispensing of any nicotine replacement therapy product under section 338.665;** and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he **or she** is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the

practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a [supervision agreement] **collaborative practice arrangement** under section 334.735.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution

of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an equivalent title means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

12. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines by protocol in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

(3) In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

13. A pharmacist shall inform the patient that the administration of the vaccine will be entered into the ShowMeVax system, as administered by the department of health and senior services. The patient shall attest to the inclusion of such information in the system by signing a form provided by the pharmacist. If the patient indicates that he or she does not want such information entered into the ShowMeVax system, the pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient's primary health care provider, if provided by the patient, containing:

- (1) The identity of the patient;
- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration.

338.015. 1. The provisions of sections 338.010 to 338.015 shall not be construed to inhibit the patient's freedom of choice to obtain prescription services from any licensed pharmacist. However, nothing in sections 338.010 to 338.315 abrogates the patient's ability to waive freedom of choice under any contract with regard to payment or coverage of prescription expense.

2. All pharmacists may provide pharmaceutical consultation and advice to persons concerning the safe and therapeutic use of their prescription drugs.

3. All patients shall have the right to receive a written prescription from their prescriber to take to the facility of their choice **or to have an electronic prescription transmitted to the facility of their choice.**

338.055. 1. The board may refuse to issue any certificate of registration or authority, permit or license

required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section or if the designated pharmacist-in-charge, manager-in-charge, or any officer, owner, manager, or controlling shareholder of the applicant has committed any act or practice in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license, or diploma from any school;

(8) Denial of licensure to an applicant or disciplinary action against an applicant or the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency, or country whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, surrender of the license upon grounds for which denial or discipline is authorized in this state;

(9) A person is finally adjudged incapacitated by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice under this chapter;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated

hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(16) The intentional act of substituting or otherwise changing the content, formula or brand of any drug prescribed by written, **electronic**, or oral prescription without prior written or oral approval from the prescriber for the respective change in each prescription; provided, however, that nothing contained herein shall prohibit a pharmacist from substituting or changing the brand of any drug as provided under section 338.056, and any such substituting or changing of the brand of any drug as provided for in section 338.056 shall not be deemed unprofessional or dishonorable conduct unless a violation of section 338.056 occurs;

(17) Personal use or consumption of any controlled substance unless it is prescribed, dispensed, or administered by a health care provider who is authorized by law to do so.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit. The board may impose additional discipline on a licensee, registrant, or permittee found to have violated any disciplinary terms previously imposed under this section or by agreement. The additional discipline may include, singly or in combination, censure, placing the licensee, registrant, or permittee named in the complaint on additional probation on such terms and conditions as the board deems appropriate, which additional probation shall not exceed five years, or suspension for a period not to exceed three years, or revocation of the license, certificate, or permit.

4. If the board concludes that a licensee or registrant has committed an act or is engaging in a course of conduct which would be grounds for disciplinary action which constitutes a clear and present danger to the public health and safety, the board may file a complaint before the administrative hearing commission requesting an expedited hearing and specifying the activities which give rise to the danger and the nature of the proposed restriction or suspension of the licensee's or registrant's license. Within fifteen days after service of the complaint on the licensee or registrant, the administrative hearing commission shall conduct a preliminary hearing to determine whether the alleged activities of the licensee or registrant appear to constitute a clear and present danger to the public health and safety which justify that the licensee's or registrant's license or registration be immediately restricted or suspended. The burden of proving that the actions of a licensee or registrant constitute a clear and present danger to the public health and safety shall be upon the state board of pharmacy. The administrative hearing commission shall issue its decision immediately after the hearing and shall either grant to the board the authority to suspend or restrict the license or dismiss the action.

5. If the administrative hearing commission grants temporary authority to the board to restrict or suspend the licensee's or registrant's license, such temporary authority of the board shall become final authority if there is no request by the licensee or registrant for a full hearing within thirty days of the

preliminary hearing. The administrative hearing commission shall, if requested by the licensee or registrant named in the complaint, set a date to hold a full hearing under the provisions of chapter 621 regarding the activities alleged in the initial complaint filed by the board.

6. If the administrative hearing commission dismisses the action filed by the board pursuant to subsection 4 of this section, such dismissal shall not bar the board from initiating a subsequent action on the same grounds.

338.056. 1. Except as provided in subsection 2 of this section, the pharmacist filling prescription orders for drug products prescribed by trade or brand name may select another drug product with the same active chemical ingredients of the same strength, quantity and dosage form, and of the same generic drug or interchangeable biological product type, as determined by the United States Adopted Names and accepted by the Federal Food and Drug Administration. Selection pursuant to this section is within the discretion of the pharmacist, except as provided in subsection 2 of this section. The pharmacist who selects the drug or interchangeable biological product to be dispensed pursuant to this section shall assume the same responsibility for selecting the dispensed drug or biological product as would be incurred in filling a prescription for a drug or interchangeable biological product prescribed by generic or interchangeable biologic name. The pharmacist shall not select a drug or interchangeable biological product pursuant to this section unless the product selected costs the patient less than the prescribed product.

2. A pharmacist who receives a prescription for a brand name drug or biological product may select a less expensive generically equivalent or interchangeable biological product unless:

(1) The patient requests a brand name drug or biological product; or

(2) The prescribing practitioner indicates that substitution is prohibited or displays “brand medically necessary”, “dispense as written”, “do not substitute”, “DAW”, or words of similar import on the prescription.

3. No prescription shall be valid without the signature of the prescriber, **except an electronic prescription.**

4. If an oral prescription is involved, the practitioner or the practitioner’s agent, communicating the instructions to the pharmacist, shall instruct the pharmacist as to whether or not a therapeutically equivalent generic drug or interchangeable biological product may be substituted. The pharmacist shall note the instructions on the file copy of the prescription.

5. Notwithstanding the provisions of subsection 2 of this section to the contrary, a pharmacist may fill a prescription for a brand name drug by substituting a generically equivalent drug or interchangeable biological product when substitution is allowed in accordance with the laws of the state where the prescribing practitioner is located.

6. Violations of this section are infractions.

338.095. 1. The terms “prescription” and “prescription drug order” are hereby defined as a lawful order for medications or devices issued and signed by an authorized prescriber within the scope of his professional practice which is to be dispensed or administered by a pharmacist or dispensed or administered pursuant to section 334.104 to and for the ultimate user. The terms “prescription” and “drug order” do not include an order for medication requiring a prescription to be dispensed, which is provided for the immediate administration to the ultimate user or recipient.

2. The term “telephone prescription” is defined as an order for medications or devices transmitted to a pharmacist by telephone or similar electronic medium by an authorized prescriber or his authorized agent acting in the course of his professional practice which is to be dispensed or administered by a pharmacist or dispensed or administered pursuant to section 334.104 to and for the ultimate user. A telephone prescription shall be promptly reduced to written or electronic medium by the pharmacist and shall comply with all laws governing prescriptions and record keeping.

3. A licensed pharmacist may lawfully provide prescription or medical information to a licensed health care provider or his agent who is legally qualified to administer medications and treatments and who is involved in the treatment of the patient. The information may be derived by direct contact with the prescriber or through a written protocol approved by the prescriber. Such information shall authorize the provider to administer appropriate medications and treatments.

4. Nothing in this section shall be construed to limit the authority of other licensed health care providers to prescribe, administer, or dispense medications and treatments within the scope of their professional practice.

5. It shall be an unauthorized practice of pharmacy and hence unlawful for any person other than a **board licensee or registrant**, the patient, or the patient’s authorized representative to accept a prescription presented to be dispensed unless that person is located on a premises licensed by the board as a pharmacy.

338.140. 1. The board of pharmacy shall have a common seal, and shall have power to adopt such rules and bylaws not inconsistent with law as may be necessary for the regulation of its proceedings and for the discharge of the duties imposed pursuant to sections 338.010 to 338.198, and shall have power to employ an attorney to conduct prosecutions or to assist in the conduct of prosecutions pursuant to sections 338.010 to 338.198.

2. The board shall keep a record of its proceedings.

3. The board of pharmacy shall make annually to the governor and, upon written request, to persons licensed pursuant to the provisions of this chapter a written report of its proceedings.

4. The board of pharmacy shall appoint an advisory committee composed of six members, one of whom shall be a representative of pharmacy but who shall not be a member of the pharmacy board, three of whom shall be representatives of wholesale drug distributors as defined in section 338.330, one of whom shall be a representative of drug manufacturers, and one of whom shall be a licensed veterinarian recommended to the board of pharmacy by the board of veterinary medicine. The committee shall review and make recommendations to the board on the merit of all rules and regulations dealing with pharmacy distributors, wholesale drug distributors, drug manufacturers, and veterinary legend drugs which are proposed by the board.

5. A majority of the board shall constitute a quorum for the transaction of business.

6. Notwithstanding any other provisions of law to the contrary, the board may issue letters of reprimand, censure or warning to any holder of a license or registration required pursuant to this chapter for any violations that could result in disciplinary action as defined in section 338.055. **Alternatively, at the discretion of the board, the board may enter into a voluntary compliance agreement with a licensee, permit holder, or registrant to ensure or promote compliance with this chapter and the rules of the board, in lieu of board discipline. The agreement shall be a public record. The time limitation identified in section 324.043 for commencing a disciplinary proceeding shall be tolled while an**

agreement authorized by this section is in effect.

**338.143. 1. For purposes of this section, the following terms shall mean:**

**(1) “Remote medication dispensing”, dispensing or assisting in the dispensing of medication outside of a licensed pharmacy;**

**(2) “Technology assisted verification”, the verification of medication or prescription information using a combination of scanning technology and visual confirmation by a pharmacist.**

**2. The board of pharmacy may approve, modify, and establish requirements for pharmacy pilot or demonstration research projects related to technology assisted verification or remote medication dispensing that are designed to enhance patient care or safety, improve patient outcomes, or expand access to pharmacy services.**

**3. To be approved, pilot or research projects shall be within the scope of the practice of pharmacy as defined by chapter 338, be under the supervision of a Missouri licensed pharmacist, and comply with applicable compliance and reporting as established by the board by rule, including any staff training or education requirements. Board approval shall be limited to a period of up to eighteen months, provided the board grant an additional six month extension if deemed necessary or appropriate to gather or complete research data or if deemed in the best interests of the patient. The board may rescind approval of a pilot project at any time if deemed necessary or appropriate in the interest of patient safety.**

**4. The provisions of this subsection shall expire on August 28, 2023. The board shall provide a final report on approved projects and related data or findings to the general assembly on or before December 31, 2022. The name, location, approval dates, general description of and responsible pharmacist for an approved pilot or research project shall be deemed an open record.**

**338.665. 1. For the purposes of this chapter, “nicotine replacement therapy product” means any drug or product, regardless of whether it is available over-the-counter, that delivers small doses of nicotine to a person and that is approved by the federal Food and Drug Administration for the sole purpose of aiding in tobacco cessation or smoking cessation.**

**2. The board of pharmacy and the board of healing arts shall jointly promulgate rules governing a pharmacist’s authority to prescribe and dispense nicotine replacement therapy products. Neither board shall separately promulgate rules governing a pharmacist’s authority to prescribe and dispense nicotine replacement therapy products under this subsection.**

**3. Nothing in this section shall be construed to require third party payment for services described in this section.**

**4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.



HOUSE AMENDMENT NO. 8

Amend Senate Bill No. 358, Page 2, Section 191.607, Line 16, by inserting after all of said section and line the following:

**“195.422. No state official or law enforcement officer shall impede or inhibit the importation of a prescription drug for personal use so long as the patient has a valid prescription from a prescriber.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend Senate Bill No. 358, Page 2, Section 191.607, Line 16, by inserting after said section and line the following:

“334.506. 1. As used in this section, “approved health care provider” means a person holding a current and active license as a physician and surgeon under this chapter, a chiropractor under chapter 331, a dentist under chapter 332, a podiatrist under chapter 330, a physician assistant under this chapter, an advanced practice registered nurse under chapter 335, or any licensed and registered physician, chiropractor, dentist, or podiatrist practicing in another jurisdiction whose license is in good standing.

2. A physical therapist [shall not] **may evaluate and** initiate treatment [for a new injury or illness] **on a patient** without a prescription **or referral** from an approved health care provider, **provided that the physical therapist has a doctorate of physical therapy or has five years of clinical practice as a physical therapist.**

3. A physical therapist may provide educational resources and training, develop fitness or wellness programs [for asymptomatic persons], or provide screening or consultative services within the scope of physical therapy practice without [the] a prescription [and direction of] **or referral from** an approved health care provider.

4. [A physical therapist may examine and treat without the prescription and direction of an approved health care provider any person with a recurring self-limited injury within one year of diagnosis by an approved health care provider or a chronic illness that has been previously diagnosed by an approved health care provider. The] A physical therapist shall:

(1) [Contact the patient’s current approved health care provider within seven days of initiating physical therapy services under this subsection] **Refer to an approved health care provider any patient whose condition at the time of evaluation or treatment is determined to be beyond the scope of practice of physical therapy;**

(2) [Not change an existing physical therapy referral available to the physical therapist without approval of the patient’s current approved health care provider] **Refer to an approved health care provider any patient who does not demonstrate measurable or functional improvement after ten visits or twenty-one business days, whichever occurs first; or**

(3) [Refer to an approved health care provider any patient whose medical condition at the time of examination or treatment is determined to be beyond the scope of practice of physical therapy] **Consult with an approved health care provider if, after ten visits or twenty-one business days, whichever occurs first, the patient has demonstrated measurable or functional improvement from the course of**

**physical therapy services or treatment provided and the physical therapist believes that continuation of the course of physical therapy services or treatment is reasonable and necessary based on the physical therapist's physical therapy evaluation of the patient. The physical therapist shall not provide further physical therapy services or treatment after the ten visits or twenty-one business days until the consultation has occurred. No consultation with an approved health care provider is required if the course of physical therapy services or treatment is completed within ten visits or twenty-one business days. "Consult" or "consultation", for purpose of this provision, means communication by telephone, fax, in writing, or in person, with the patient's personal licensed approved health care provider or a licensed health care provider of the patient's designation. The consultation with the approved health care provider shall include information concerning the patient's condition for which physical therapy services or treatment were provided; the basis for the course of services or treatment indicated, as determined from the physical therapy evaluation of the patient; the physical therapy services or treatment provided to the date of consultation; the patient's demonstrated measurable or functional improvement from the services or treatment provided to the date of consultation; the continuing physical therapy services or treatment proposed to be provided following the consultation; and the professional physical therapy basis for the continued physical therapy services or treatment to be provided. Continued physical therapy services or treatment under the course of services or treatment following the consultation with an approved health care provider shall proceed in accordance with any feedback, advice, opinion, or direction of the approved health care provider. The physical therapist shall notify the consulting approved health care provider of continuing physical therapy services or treatment every thirty days after the initial consultation unless the consulting approved health care provider directs otherwise[;**

(4) Refer to an approved health care provider any patient whose condition for which physical therapy services are rendered under this subsection has not been documented to be progressing toward documented treatment goals after six visits or fourteen days, whichever first occurs;

(5) Notify the patient's current approved health care provider prior to the continuation of treatment if treatment rendered under this subsection is to continue beyond thirty days. The physical therapist shall provide such notification for each successive period of thirty days].

5. The provision of physical therapy services of evaluation and screening pursuant to this section shall be limited to a physical therapist, and any authority for evaluation and screening granted within this section may not be delegated. Upon each reinitiation of physical therapy services, a physical therapist shall provide a full physical therapy evaluation prior to the reinitiation of physical therapy treatment. [Physical therapy treatment provided pursuant to the provisions of subsection 4 of this section may be delegated by physical therapists to physical therapist assistants only if the patient's current approved health care provider has been so informed as part of the physical therapist's seven-day notification upon reinitiation of physical therapy services as required in subsection 4 of this section.] Nothing in this subsection shall be construed as to limit the ability of physical therapists or physical therapist assistants to provide physical therapy services in accordance with the provisions of this chapter, and upon the referral of an approved health care provider. Nothing in this subsection shall prohibit an approved health care provider from acting within the scope of their practice as defined by the applicable chapters of RSMo.

6. No person licensed to practice, or applicant for licensure, as a physical therapist or physical therapist assistant shall make a medical diagnosis.

7. A physical therapist shall only delegate physical therapy treatment to a physical therapist assistant or to a person in an entry level of a professional education program approved by the Commission on Accreditation in Physical Therapy Education (CAPTE) who satisfies supervised clinical education requirements related to the person's physical therapist or physical therapist assistant education. The entry-level person shall be under the supervision of a physical therapist.

334.613. 1. The board may refuse to issue or renew a license to practice as a physical therapist or physical therapist assistant for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew a license to practice as a physical therapist or physical therapist assistant, the board may, at its discretion, issue a license which is subject to probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of a license to practice as a physical therapist or physical therapist assistant who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of a physical therapist or physical therapist assistant;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of a physical therapist or physical therapist assistant, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit, or license issued under this chapter or in obtaining permission to take any examination given or required under this chapter;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or unprofessional conduct in the performance of the functions or duties of a physical therapist or physical therapist assistant, including but not limited to the following:

(a) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for sessions of physical therapy which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

- (b) Attempting, directly or indirectly, by way of intimidation, coercion, or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;
- (c) Willfully and continually performing inappropriate or unnecessary treatment or services;
- (d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience, or licensure to perform such responsibilities;
- (e) Misrepresenting that any disease, ailment, or infirmity can be cured by a method, procedure, treatment, medicine, or device;
- (f) Performing services which have been declared by board rule to be of no physical therapy value;
- (g) Final disciplinary action by any professional association, professional society, licensed hospital or medical staff of the hospital, or physical therapy facility in this or any other state or territory, whether agreed to voluntarily or not, and including but not limited to any removal, suspension, limitation, or restriction of the person's professional employment, malpractice, or any other violation of any provision of this chapter;
- (h) Administering treatment without sufficient examination, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional physical therapy practice;
- (i) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual, while a physical therapist or physical therapist assistant/patient relationship exists; making sexual advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of a sexual nature with patients or clients;
- (j) Terminating the care of a patient without adequate notice or without making other arrangements for the continued care of the patient;
- (k) Failing to furnish details of a patient's physical therapy records to treating physicians, other physical therapists, or hospitals upon proper request; or failing to comply with any other law relating to physical therapy records;
- (l) Failure of any applicant or licensee, other than the licensee subject to the investigation, to cooperate with the board during any investigation;
- (m) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;
- (n) Failure to timely pay license renewal fees specified in this chapter;
- (o) Violating a probation agreement with this board or any other licensing agency;
- (p) Failing to inform the board of the physical therapist's or physical therapist assistant's current telephone number, residence, and business address;
- (q) Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physical therapist or physical therapist assistant. An applicant or licensee shall also be in violation of this provision if the applicant or licensee has a financial interest in any organization, corporation, or association which issues or conducts such advertising;

(5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence, or repeated negligence in the performance of the functions or duties of a physical therapist or physical therapist assistant. For the purposes of this subdivision, “repeated negligence” means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant’s or licensee’s profession;

(6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule adopted under this chapter;

(7) Impersonation of any person licensed as a physical therapist or physical therapist assistant or allowing any person to use his or her license or diploma from any school;

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation, or other final disciplinary action against a physical therapist or physical therapist assistant for a license or other right to practice as a physical therapist or physical therapist assistant by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including but not limited to the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of physical therapy while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the Armed Forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice who is not licensed and currently eligible to practice under this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice physical therapy who is not licensed and currently eligible to practice under this chapter;

(11) Issuance of a license to practice as a physical therapist or physical therapist assistant based upon a material mistake of fact;

(12) Failure to display a valid license pursuant to practice as a physical therapist or physical therapist assistant;

(13) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any document executed in connection with the practice of physical therapy;

(14) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person’s own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of physical therapy services for all patients, or the qualifications of an individual person or persons to render, or perform physical therapy services;

(15) Using, or permitting the use of, the person’s name under the designation of “physical therapist”, “physiotherapist”, “registered physical therapist”, “P.T.”, “Ph.T.”, “P.T.T.”, “D.P.T.”, “M.P.T.” or “R.P.T.”, “physical therapist assistant”, “P.T.A.”, “L.P.T.A.”, “C.P.T.A.”, or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise;

(16) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment under chapter 208 or chapter 630 or for payment from Title XVIII or

## Title XIX of the Social Security Act;

(17) Failure or refusal to properly guard against contagious, infectious, or communicable diseases or the spread thereof; maintaining an unsanitary facility or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in any physical therapy facility to the board, in writing, within thirty days after the discovery thereof;

(18) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant paying or offering to pay a referral fee or[, notwithstanding section 334.010 to the contrary, practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a physician and surgeon under this chapter, as a physician assistant under this chapter, as a chiropractor under chapter 331, as a dentist under chapter 332, as a podiatrist under chapter 330, as an advanced practice registered nurse under chapter 335, or any licensed and registered physician, chiropractor, dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose license is in good standing] **evaluating or treating a patient in a manner inconsistent with section 224.506;**

(19) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.685;

(20) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed, or administered by a physician who is authorized by law to do so;

(21) Failing to maintain adequate patient records under section 334.602;

(22) Attempting to engage in conduct that subverts or undermines the integrity of the licensing examination or the licensing examination process, including but not limited to utilizing in any manner recalled or memorized licensing examination questions from or with any person or entity, failing to comply with all test center security procedures, communicating or attempting to communicate with any other examinees during the test, or copying or sharing licensing examination questions or portions of questions;

(23) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant who requests, receives, participates or engages directly or indirectly in the division, transferring, assigning, rebating or refunding of fees received for professional services or profits by means of a credit or other valuable consideration such as wages, an unearned commission, discount or gratuity with any person who referred a patient, or with any relative or business associate of the referring person;

(24) Being unable to practice as a physical therapist or physical therapist assistant with reasonable skill and safety to patients by reasons of incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. The following shall apply to this subdivision:

(a) In enforcing this subdivision the board shall, after a hearing by the board, upon a finding of probable cause, require a physical therapist or physical therapist assistant to submit to a reexamination for the purpose of establishing his or her competency to practice as a physical therapist or physical therapist assistant conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the pattern and practice of such physical therapist's or physical therapist assistant's professional conduct, or to submit to a mental or physical examination or combination thereof by a facility or professional approved by the board;

(b) For the purpose of this subdivision, every physical therapist and physical therapist assistant licensed under this chapter is deemed to have consented to submit to a mental or physical examination when directed in writing by the board;

(c) In addition to ordering a physical or mental examination to determine competency, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to a physical therapist, physical therapist assistant or applicant without the physical therapist's, physical therapist assistant's or applicant's consent;

(d) Written notice of the reexamination or the physical or mental examination shall be sent to the physical therapist or physical therapist assistant, by registered mail, addressed to the physical therapist or physical therapist assistant at the physical therapist's or physical therapist assistant's last known address. Failure of a physical therapist or physical therapist assistant to submit to the examination when directed shall constitute an admission of the allegations against the physical therapist or physical therapist assistant, in which case the board may enter a final order without the presentation of evidence, unless the failure was due to circumstances beyond the physical therapist's or physical therapist assistant's control. A physical therapist or physical therapist assistant whose right to practice has been affected under this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that the physical therapist or physical therapist assistant can resume the competent practice as a physical therapist or physical therapist assistant with reasonable skill and safety to patients;

(e) In any proceeding under this subdivision neither the record of proceedings nor the orders entered by the board shall be used against a physical therapist or physical therapist assistant in any other proceeding. Proceedings under this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(f) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the disciplinary measures set forth in subsection 3 of this section.

3. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination:

(1) Warn, censure or place the physical therapist or physical therapist assistant named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years;

(2) Suspend the physical therapist's or physical therapist assistant's license for a period not to exceed three years;

(3) Restrict or limit the physical therapist's or physical therapist assistant's license for an indefinite period of time;

(4) Revoke the physical therapist's or physical therapist assistant's license;

(5) Administer a public or private reprimand;

(6) Deny the physical therapist's or physical therapist assistant's application for a license;

(7) Permanently withhold issuance of a license;

(8) Require the physical therapist or physical therapist assistant to submit to the care, counseling or treatment of physicians designated by the board at the expense of the physical therapist or physical therapist assistant to be examined;

(9) Require the physical therapist or physical therapist assistant to attend such continuing educational courses and pass such examinations as the board may direct.

4. In any order of revocation, the board may provide that the physical therapist or physical therapist assistant shall not apply for reinstatement of the physical therapist's or physical therapist assistant's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

5. Before restoring to good standing a license issued under this chapter which has been in a revoked, suspended, or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

6. In any investigation, hearing or other proceeding to determine a physical therapist's, physical therapist assistant's or applicant's fitness to practice, any record relating to any patient of the physical therapist, physical therapist assistant, or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such physical therapist, physical therapist assistant, applicant, record custodian, or patient might otherwise invoke. In addition, no such physical therapist, physical therapist assistant, applicant, or record custodian may withhold records or testimony bearing upon a physical therapist's, physical therapist assistant's, or applicant's fitness to practice on the grounds of privilege between such physical therapist, physical therapist assistant, applicant, or record custodian and a patient.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 10

Amend House Amendment No. 10 to Senate Bill No. 358, Page 4, Line 30, by inserting after the word “**adjustment.**” the following:

**“217.930. 1. (1) Medical assistance under MO HealthNet shall be suspended, rather than cancelled or terminated, for a person who is an offender in a correctional center if:**

- (a) The department of social services is notified of the person's entry into the correctional center;**
- (b) On the date of entry, the person was enrolled in the MO HealthNet program; and**
- (c) The person is eligible for MO HealthNet except for institutional status.**

**(2) A suspension under this subsection shall end on the date the person is no longer an offender in a correctional center.**

**(3) Upon release from incarceration, such person shall continue to be eligible for receipt of MO HealthNet benefits until such time as the person is otherwise determined to no longer be eligible for the program.**

**2. The department of corrections shall notify the department of social services:**

**(1) Within twenty days after receiving information that a person receiving benefits under MO HealthNet is or will be an offender in a correctional center; and**



**(2) Within forty-five days prior to the release of a person who is qualified for suspension under subsection 1 of this section.**

**221.125. 1. (1) Medical assistance under MO HealthNet shall be suspended, rather than cancelled or terminated, for a person who is an offender in a county jail, a city jail, or a private jail if:**

- (a) The department of social services is notified of the person's entry into the jail;**
- (b) On the date of entry, the person was enrolled in the MO HealthNet program; and**
- (c) The person is eligible for MO HealthNet except for institutional status.**

**(2) A suspension under this subsection shall end on the date the person is no longer an offender in a jail.**

**(3) Upon release from incarceration, such person shall continue to be eligible for receipt of MO HealthNet benefits until such time as the person is otherwise determined to no longer be eligible for the program.**

**2. City, county, and private jails shall notify the department of social services within ten days after receiving information that a person receiving medical assistance under MO HealthNet is or will be an offender in the jail.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 10

Amend Senate Bill No. 358, Page 2, Section 191.607, Line 16, by inserting after all of said section and line the following:

“197.305. As used in sections 197.300 to 197.366, the following terms mean:

(1) “Affected persons”, the person proposing the development of a new institutional health service, the public to be served, and health care facilities within the service area in which the proposed new health care service is to be developed;

(2) “Agency”, the certificate of need program of the Missouri department of health and senior services;

(3) “Capital expenditure”, an expenditure by or on behalf of a health care facility which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance;

(4) “Certificate of need”, a written certificate issued by the committee setting forth the committee’s affirmative finding that a proposed project sufficiently satisfies the criteria prescribed for such projects by sections 197.300 to 197.366;

(5) “Develop”, to undertake those activities which on their completion will result in the offering of a new institutional health service or the incurring of a financial obligation in relation to the offering of such a service;

(6) “Expenditure minimum” shall mean:

(a) For beds in existing or proposed health care facilities licensed pursuant to chapter 198 and long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, six hundred thousand dollars in the case of capital expenditures, or four hundred thousand dollars in the case of major medical equipment, provided, however, that prior to January 1, 2003, the expenditure minimum for beds

in such a facility and long-term care beds in a hospital described in section 198.012 shall be zero, subject to the provisions of subsection 7 of section 197.318;

(b) For beds or equipment in a long-term care hospital meeting the requirements described in 42 CFR, Section 412.23(e), the expenditure minimum shall be zero; and

(c) For health care facilities, new institutional health services or beds not described in paragraph (a) or (b) of this subdivision, one million dollars in the case of capital expenditures, excluding major medical equipment, and one million dollars in the case of medical equipment;

(7) “Health service area”, a geographic region appropriate for the effective planning and development of health services, determined on the basis of factors including population and the availability of resources, consisting of a population of not less than five hundred thousand or more than three million;

(8) “Major medical equipment”, medical equipment used for the provision of medical and other health services;

(9) “New institutional health service”:

(a) The development of a new health care facility costing in excess of the applicable expenditure minimum;

(b) The acquisition, including acquisition by lease, of any health care facility, or major medical equipment costing in excess of the expenditure minimum;

(c) Any capital expenditure by or on behalf of a health care facility in excess of the expenditure minimum;

(d) Predevelopment activities as defined in subdivision (12) hereof costing in excess of one hundred fifty thousand dollars;

(e) Any change in licensed bed capacity of a health care facility licensed under chapter 198 which increases the total number of beds by more than ten or more than ten percent of total bed capacity, whichever is less, over a two-year period, provided that any such health care facility seeking [a nonapplicability review for] an increase in total beds or total bed capacity in an amount less than described in this paragraph shall be eligible for such review only if the facility has had no patient care class I deficiencies within the last eighteen months and has maintained at least an eighty-five percent average occupancy rate for the previous six quarters;

(f) Health services, excluding home health services, which are offered in a health care facility and which were not offered on a regular basis in such health care facility within the twelve-month period prior to the time such services would be offered;

(g) A reallocation by an existing health care facility of licensed beds among major types of service or reallocation of licensed beds from one physical facility or site to another by more than ten beds or more than ten percent of total licensed bed capacity, whichever is less, over a two-year period;

(10) “Nonsubstantive projects”, projects which do not involve the addition, replacement, modernization or conversion of beds or the provision of a new health service but which include a capital expenditure which exceeds the expenditure minimum and are due to an act of God or a normal consequence of maintaining health care services, facility or equipment;

(11) “Person”, any individual, trust, estate, partnership, corporation, including associations and joint

stock companies, state or political subdivision or instrumentality thereof, including a municipal corporation;

(12) “Predevelopment activities”, expenditures for architectural designs, plans, working drawings and specifications, and any arrangement or commitment made for financing; but excluding submission of an application for a certificate of need.

197.318. 1. As used in this section, the term “licensed and available” means beds which are actually in place and for which a license has been issued.

2. The committee shall review all letters of intent and applications for long-term care hospital beds meeting the requirements described in 42 CFR, Section 412.23(e) under its criteria and standards for long-term care beds.

3. Sections 197.300 to 197.366 shall not be construed to apply to litigation pending in state court on or before April 1, 1996, in which the Missouri health facilities review committee is a defendant in an action concerning the application of sections 197.300 to 197.366 to long-term care hospital beds meeting the requirements described in 42 CFR, Section 412.23(e).

4. Notwithstanding any other provision of this chapter to the contrary:

(1) A facility licensed pursuant to chapter 198 may increase its licensed bed capacity by:

(a) Submitting a letter of intent to expand to the department of health and senior services and the health facilities review committee;

(b) Certification from the department of health and senior services that the facility:

a. Has no patient care class I deficiencies within the last eighteen months; and

b. Has maintained [a ninety-percent] **an eighty-five percent** average occupancy rate for the previous six quarters;

(c) Has made an effort to purchase beds for eighteen months following the date the letter of intent to expand is submitted pursuant to paragraph (a) of this subdivision. For purposes of this paragraph, an “effort to purchase” means a copy certified by the offeror as an offer to purchase beds from another licensed facility in the same licensure category; and

(d) If an agreement is reached by the selling and purchasing entities, the health facilities review committee shall issue a certificate of need for the expansion of the purchaser facility upon surrender of the seller’s license; or

(e) If no agreement is reached by the selling and purchasing entities, the health facilities review committee shall permit an expansion for:

a. A facility with more than forty beds may expand its licensed bed capacity within the same licensure category by twenty-five percent or thirty beds, whichever is greater, if that same licensure category in such facility has experienced an average occupancy of ninety-three percent or greater over the previous six quarters;

b. A facility with fewer than forty beds may expand its licensed bed capacity within the same licensure category by twenty-five percent or ten beds, whichever is greater, if that same licensure category in such facility has experienced an average occupancy of ninety-two percent or greater over the previous six quarters;

c. A facility adding beds pursuant to subparagraphs a. or b. of this paragraph shall not expand by more than fifty percent of its then licensed bed capacity in the qualifying licensure category;

(2) Any beds sold shall, for five years from the date of relicensure by the purchaser, remain unlicensed and unused for any long-term care service in the selling facility, whether they do or do not require a license;

(3) The beds purchased shall, for two years from the date of purchase, remain in the bed inventory attributed to the selling facility and be considered by the department of social services as licensed and available for purposes of this section;

(4) Any residential care facility licensed pursuant to chapter 198 may relocate any portion of such facility's current licensed beds to any other facility to be licensed within the same licensure category if both facilities are under the same licensure ownership or control, and are located within six miles of each other;

(5) A facility licensed pursuant to chapter 198 may transfer or sell individual long-term care licensed **and available** beds to facilities qualifying pursuant to paragraphs (a) and (b) of subdivision (1) of this subsection. Any facility which transfers or sells licensed **and available** beds shall not expand its licensed bed capacity in that licensure category for a period of five years from the date the licensure is relinquished **and until the average occupancy of licensed and available beds in that licensure category within a fifteen-mile radius is eighty-five percent for the prior six quarters. Any facility which transfers or sells licensed and available beds shall have an average occupancy rate of less than seventy percent in the last six quarters.**

5. Any existing licensed and operating health care facility offering long-term care services may replace one-half of its licensed beds at the same site or a site not more than thirty miles from its current location if, for at least the most recent four consecutive calendar quarters, the facility operates only fifty percent of its then licensed capacity with every resident residing in a private room. In such case:

(1) The facility shall report to the health and senior services vacant beds as unavailable for occupancy for at least the most recent four consecutive calendar quarters;

(2) The replacement beds shall be built to private room specifications and only used for single occupancy; and

(3) The existing facility and proposed facility shall have the same owner or owners, regardless of corporate or business structure, and such owner or owners shall stipulate in writing that the existing facility beds to be replaced will not later be used to provide long-term care services. If the facility is being operated under a lease, both the lessee and the owner of the existing facility shall stipulate the same in writing.

6. Nothing in this section shall prohibit a health care facility licensed pursuant to chapter 198 from being replaced in its entirety within fifteen miles of its existing site so long as the existing facility and proposed or replacement facility have the same owner or owners regardless of corporate or business structure and the health care facility being replaced remains unlicensed and unused for any long-term care services whether they do or do not require a license from the date of licensure of the replacement facility.

208.225. 1. To implement fully the provisions of section 208.152, the MO HealthNet division shall calculate the Medicaid per diem reimbursement rates of each nursing home participating in the Medicaid program as a provider of nursing home services based on its costs reported in the Title XIX cost report filed with the MO HealthNet division for its fiscal year as provided in subsection 2 of this section.

2. The recalculation of Medicaid rates to all Missouri facilities will be performed as follows: effective

July 1, 2004, the department of social services shall use the Medicaid cost report containing adjusted costs for the facility fiscal year ending in 2001 and redetermine the allowable per-patient day costs for each facility. The department shall recalculate the class ceilings in the patient care, one hundred twenty percent of the median; ancillary, one hundred twenty percent of the median; and administration, one hundred ten percent of the median cost centers. Each facility shall receive as a rate increase one-third of the amount that is unpaid based on the recalculated cost determination.

**3. Any intermediate care facility or skilled nursing facility, as such terms are defined in section 198.006, participating in MO HealthNet that incurs total capital expenditures, as such term is defined in section 197.305, in excess of two thousand dollars per bed shall be entitled to obtain from the MO HealthNet division a recalculation of its Medicaid per diem reimbursement rate based on its additional capital costs or all costs incurred during the facility fiscal year during which such capital expenditures were made. Such recalculated reimbursement rate shall become effective and payable when granted by the MO HealthNet division as of the date of application for a rate adjustment.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 11

Amend Senate Bill No. 358, Page 2, Section 191.607, Line 16, by inserting after said section and line the following:

**“334.034. 1. An assistant physician with a license in good standing may be eligible to become a licensed physician if the assistant physician has completed:**

**(1) Step 3 of the United States Medical Licensing Examination or the equivalent of such step of any board-approved medical licensing examination in less than three attempts and within a three-year period after receiving his or her initial assistant physician license;**

**(2) Five years of continuous, full-time, active collaborating practice. Any time the assistant physician was not working within a collaborative practice arrangement with a collaborating physician shall not count toward the five-year requirement;**

**(3) One hundred hours of didactics during the five-year postgraduate training. Didactic training shall be presented by the collaborating physician or any individual that the collaborating physician deems qualified to teach. Didactic hours shall be logged and retained for a period of five years; and**

**(4) All continuing medical education requirements as required for assistant physicians under this chapter.**

**2. Upon completion of subdivisions (1) to (4) of subsection 1 of this section, the assistant physician shall be eligible for licensure as a physician with the state of Missouri and eligible to sit for board certification or any other appropriate advanced fellowships or certifications.**

**3. Any assistant physician obtaining licensure as a physician under this section shall be fully licensed as a physician and shall be subject to all statutes and regulations pertaining to physicians.**

**4. Any assistant physician obtaining licensure as a physician under this section shall practice as a physician in Missouri for a minimum of two years. Failure to practice for a minimum of two years shall be cause for the revocation of the license.**

334.035. Except as otherwise provided in section **334.034** or 334.036, every applicant for a permanent

license as a physician and surgeon shall provide the board with satisfactory evidence of having successfully completed such postgraduate training in hospitals or medical or osteopathic colleges as the board may prescribe by rule.

334.037. 1. A physician may enter into collaborative practice arrangements with assistant physicians. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to an assistant physician the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the assistant physician and is consistent with that assistant physician's skill, training, and competence and the skill and training of the collaborating physician.

2. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the assistant physician;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the assistant physician to prescribe;

(3) A requirement that there shall be posted at every office where the assistant physician is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an assistant physician and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the assistant physician;

(5) The manner of collaboration between the collaborating physician and the assistant physician, including how the collaborating physician and the assistant physician shall:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity; except, the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by Pub. L. 95-210 (42 U.S.C. Section 1395x), as amended, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. Such exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics if the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics if the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician shall maintain documentation related to such requirement and present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the assistant physician's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the assistant physician to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the assistant physician;

(8) The duration of the written practice agreement between the collaborating physician and the assistant physician;

(9) A description of the time and manner of the collaborating physician's review of the assistant physician's delivery of health care services. The description shall include provisions that the assistant physician shall submit a minimum of ten percent of the charts documenting the assistant physician's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the assistant physician prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

**3. The board shall complete all applications submitted by an assistant physician who has entered into a collaborative practice arrangement with a collaborating physician within thirty days of submission.**

4. The state board of registration for the healing arts under section 334.125 shall promulgate rules regulating the use of collaborative practice arrangements for assistant physicians. Such rules shall specify:

(1) Geographic areas to be covered;

(2) The methods of treatment that may be covered by collaborative practice arrangements;

(3) In conjunction with deans of medical schools and primary care residency program directors in the state, the development and implementation of educational methods and programs undertaken during the collaborative practice service which shall facilitate the advancement of the assistant physician's medical knowledge and capabilities, and which may lead to credit toward a future residency program for programs that deem such documented educational achievements acceptable; and

(4) The requirements for review of services provided under collaborative practice arrangements, including delegating authority to prescribe controlled substances.

Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. The state board of registration for the healing arts shall promulgate rules applicable to assistant physicians that shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150- 5.100 as of April 30, 2008.

[4.] 5. The state board of registration for the healing arts shall not deny, revoke, suspend, or otherwise take disciplinary action against a collaborating physician for health care services delegated to an assistant physician provided the provisions of this section and the rules promulgated thereunder are satisfied.

[5.] 6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice arrangement, including collaborative practice arrangements delegating the authority to prescribe

controlled substances, and also report to the board the name of each assistant physician with whom the physician has entered into such arrangement. The board may make such information available to the public. The board shall track the reported information and may routinely conduct random reviews of such arrangements to ensure that arrangements are carried out for compliance under this chapter.

[6.] 7. A collaborating physician or supervising physician shall not enter into a collaborative practice arrangement or supervision agreement with more than six full-time equivalent assistant physicians, full-time equivalent physician assistants, or full-time equivalent advance practice registered nurses, or any combination thereof. Such limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008, or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of section 334.104.

[7.] 8. The collaborating physician shall determine and document the completion of at least a one-month period of time during which the assistant physician shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. **Once the assistant physician has completed the one-month time period required under this subsection, the assistant physician shall be exempt from the training required under this subsection in the event there is a change in collaborating physicians.** No rule or regulation shall require the collaborating physician to review more than ten percent of the assistant physician's patient charts or records during such one-month period. Such limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008. **The collaborating physician may utilize any other qualified, fully licensed physician on his or her staff to help oversee, train, and review the records of an assistant physician during the assistant physician's one-month training period.**

[8.] 9. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

[9.] 10. No contract or other agreement shall require a physician to act as a collaborating physician for an assistant physician against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular assistant physician. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any assistant physician, but such requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by a hospital's medical staff.

[10.] 11. No contract or other agreement shall require any assistant physician to serve as a collaborating assistant physician for any collaborating physician against the assistant physician's will. An assistant physician shall have the right to refuse to collaborate, without penalty, with a particular physician.

[11.] 12. All collaborating physicians and assistant physicians in collaborative practice arrangements shall wear identification badges while acting within the scope of their collaborative practice arrangement. The identification badges shall prominently display the licensure status of such collaborating physicians and assistant physicians.



[12.] **13.** (1) An assistant physician with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in Schedule III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated the authority to prescribe controlled substances in a collaborative practice arrangement. Prescriptions for Schedule II medications prescribed by an assistant physician who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone. Such authority shall be filed with the state board of registration for the healing arts. The collaborating physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the assistant physician is permitted to prescribe. Any limitations shall be listed in the collaborative practice arrangement. Assistant physicians shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day supply without refill, except that buprenorphine may be prescribed for up to a thirty-day supply without refill for patients receiving medication-assisted treatment for substance use disorders under the direction of the collaborating physician. Assistant physicians who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

(2) The collaborating physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the assistant physician during which the assistant physician shall practice with the collaborating physician on-site prior to prescribing controlled substances when the collaborating physician is not on-site. Such limitation shall not apply to assistant physicians of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009, or assistant physicians providing opioid addiction treatment.

(3) An assistant physician shall receive a certificate of controlled substance prescriptive authority from the state board of registration for the healing arts upon verification of licensure under section 334.036.

[13.] **14.** Nothing in this section or section 334.036 shall be construed to limit the authority of hospitals or hospital medical staff to make employment or medical staff credentialing or privileging decisions.

334.040. 1. Except as provided in section **334.034** or 334.260, all persons desiring to practice as physicians and surgeons in this state shall be examined as to their fitness to engage in such practice by the board. All persons applying for examination shall file a completed application with the board upon forms furnished by the board.

2. The examination shall be sufficient to test the applicant's fitness to practice as a physician and surgeon. The examination shall be conducted in such a manner as to conceal the identity of the applicant until all examinations have been scored. In all such examinations an average score of not less than seventy-five percent is required to pass; provided, however, that the board may require applicants to take the Federation Licensing Examination, also known as FLEX, or the United States Medical Licensing Examination (USMLE). If the FLEX examination is required, a weighted average score of no less than seventy-five is required to pass. Scores from one test administration of an examination shall not be combined or averaged with scores from other test administrations to achieve a passing score. Applicants graduating from a medical or osteopathic college, as described in section 334.031 prior to January 1, 1994, shall provide proof of successful completion of the FLEX, USMLE, the National Board of Osteopathic Medical Examiners Comprehensive Licensing Exam (COMLEX), a state board examination approved by

the board, compliance with subsection 2 of section 334.031, or compliance with 20 CSR 2150-2.005. Applicants graduating from a medical or osteopathic college, as described in section 334.031 on or after January 1, 1994, must provide proof of successful completion of the USMLE or the COMLEX or provide proof of compliance with subsection 2 of section 334.031. The board shall not issue a permanent license as a physician and surgeon or allow the Missouri state board examination to be administered to any applicant who has failed to achieve a passing score within three attempts on licensing examinations administered in one or more states or territories of the United States, the District of Columbia or Canada. The steps one, two and three of the United States Medical Licensing Examination or the National Board of Osteopathic Medical Examiners Comprehensive Licensing Exam shall be taken within a seven-year period with no more than three attempts on any step of the examination; however, the board may grant an extension of the seven-year period if the applicant has obtained a MD/PhD degree in a program accredited by the Liaison Committee on Medical Education (LCME) and a regional university accrediting body or a DO/PhD degree accredited by the American Osteopathic Association and a regional university accrediting body. The board may waive the provisions of this section if the applicant is licensed to practice as a physician and surgeon in another state of the United States, the District of Columbia or Canada and the applicant has achieved a passing score on a licensing examination administered in a state or territory of the United States or the District of Columbia and no license issued to the applicant has been disciplined in any state or territory of the United States or the District of Columbia.

3. If the board waives the provisions of this section, then the license issued to the applicant may be limited or restricted to the applicant's board specialty. The board shall not be permitted to favor any particular school or system of healing.

4. If an applicant has not actively engaged in the practice of clinical medicine or held a teaching or faculty position in a medical or osteopathic school approved by the American Medical Association, the Liaison Committee on Medical Education, or the American Osteopathic Association for any two years in the three-year period immediately preceding the filing of his or her application for licensure, the board may require successful completion of another examination, continuing medical education, or further training before issuing a permanent license. The board shall adopt rules to prescribe the form and manner of such reexamination, continuing medical education, and training.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 12

Amend Senate Bill No. 358, Page 2, Section 191.607, Line 16, by inserting after all of said line the following:

“382.010. As used in sections 382.010 to 382.300, the following words and terms have the meanings indicated unless the context clearly requires otherwise:

(1) An “affiliate” of, or person “affiliated” with, a specific person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified;

(2) “Control”, “controlling”, “controlled by”, or “under common control with”, the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or

corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with power to vote, or holds proxies representing, ten percent or more of the voting securities of any other person. This presumption may be rebutted by a showing made in the manner provided by section 382.170 that control does not exist in fact. The director may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect;

(3) “Director”, the director of the department of insurance, financial institutions and professional registration, his or her deputies, or the department of insurance, financial institutions and professional registration, as appropriate;

(4) “Enterprise risk”, any activity, circumstance, event, or series of events involving one or more affiliates of an insurer that, if not remedied promptly, is likely to have a material adverse effect upon the financial condition or liquidity of the insurer or its insurance holding company system as a whole including, but not limited to, anything that would cause the insurer’s risk-based capital to fall into company action level as set forth in section 375.1255 or would cause the insurer to be in hazardous financial condition as set forth in section 375.539;

(5) **“Group-wide supervisor”, the regulatory official authorized to engage in conducting and coordinating group-wide supervisory activities who is determined or acknowledged by the director, under section 382.227, to have sufficient significant contacts with the internationally active insurance group;**

(6) “Insurance holding company system”, two or more affiliated persons, one or more of which is an insurer;

[(6)] (7) “Insurer”, an insurance company as defined in section 375.012, including a reciprocal or interinsurance exchange, and which is qualified and licensed by the department of insurance, financial institutions and professional registration of Missouri to transact the business of insurance in this state; but it shall not include any company organized and doing business under chapter 377, 378, or 380, agencies, authorities, or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state;

[(7)] (8) **“Internationally active insurance group”, an insurance holding company system that includes an insurer registered under sections 382.100 to 382.180, and meets the following criteria:**

**(a) Premiums written in at least three countries;**

**(b) The percentage of gross premiums written outside the United States is at least ten percent of the insurance holding company system’s total gross written premiums; and**

**(c) Based on a three-year rolling average, the total assets of the insurance holding company system are at least fifty billion dollars, or the total gross written premiums of the insurance holding company system are at least ten billion dollars;**

(9) “Person”, an individual, corporation, limited liability company, partnership, association, joint stock company, trust, unincorporated organization, or any similar entity, or any combination of the foregoing acting in concert, but shall not include any joint venture partnership exclusively engaged in owning, managing, leasing, or developing real or tangible personal property;

[(8)] (10) A “securityholder” of a specified person is one who owns any security of that person,

including common stock, preferred stock, debt obligations, and any other security convertible into or evidencing the right to acquire any of the foregoing;

**[(9)] (11)** A “subsidiary” of a specified person is an affiliate controlled by that person directly, or indirectly through one or more intermediaries;

**[(10)] (12)** The term “voting security” includes any security convertible into or evidencing a right to acquire a voting security.

**382.227. 1. The director is authorized to act as the group-wide supervisor for any internationally active insurance group in accordance with the provisions of this section. However, the director may otherwise acknowledge another regulatory official as the group-wide supervisor if the internationally active insurance group:**

**(1) Does not have substantial insurance operations in the United States;**

**(2) Has substantial insurance operations in the United States but not in this state; or**

**(3) Has substantial insurance operations in the United States and in this state but the director has determined, pursuant to the factors set forth in subsections 3 and 9 of this section, that another regulatory official is the appropriate group-wide supervisor.**

**2. An insurance holding company system that does not otherwise qualify as an internationally active insurance group may request that the director make a determination or acknowledgment as to a group-wide supervisor pursuant to this section.**

**3. In cooperation with other state, federal, and international regulatory agencies, the director shall identify a single group-wide supervisor for an internationally active insurance group. The director may determine that the director is the appropriate group-wide supervisor for an internationally active insurance group that conducts substantial insurance operations concentrated in this state. However, the director may acknowledge that a regulatory official from another jurisdiction is the appropriate group-wide supervisor for the internationally active insurance group. The director shall consider the following factors when making a determination or acknowledgment under this subsection:**

**(1) The domicile of the insurers within the internationally active insurance group that hold the largest share of the internationally active insurance group’s written premiums, assets, or liabilities;**

**(2) The domicile of the top-tiered insurers in the insurance holding company system of the internationally active insurance group;**

**(3) The location of the executive offices or largest operational offices of the internationally active insurance group;**

**(4) Whether another regulatory official is acting as or is seeking to act as the group-wide supervisor under a regulatory system that the director determines to be:**

**(a) Substantially similar to the system of regulation provided under the laws of this state; or**

**(b) Otherwise sufficient in terms of providing for group-wide supervision, enterprise risk analysis, and cooperation with other regulatory officials; and**

**(5) Whether another regulatory official acting or seeking to act as the group-wide supervisor provides the director with reasonably reciprocal recognition and cooperation.**

**4. A director identified under this section as the group-wide supervisor may determine that it is appropriate to acknowledge another regulatory official to serve as the group-wide supervisor. The acknowledgment of the group-wide supervisor shall be made after consideration of the factors listed in subdivisions (1) to (5) of subsection 3 of this section, and shall be made in cooperation with and subject to the acknowledgment of other regulatory officials involved with supervision of members of the internationally active insurance group, and in consultation with the internationally active insurance group.**

**5. Notwithstanding any other provision of the law, when another regulatory official is acting as the group-wide supervisor of an internationally active insurance group, the director shall acknowledge that regulatory official as the group-wide supervisor, subject to subsection 6 of this section. In the event of a material change in the internationally active insurance group that results in either the internationally active insurance group's insurers domiciled in this state holding the largest share of the internationally active insurance group's premiums, assets, or liabilities, or this state being the domicile of the top-tiered insurers in the insurance holding company system of the internationally active insurance group, the director shall make a determination or acknowledgment as to the appropriate group-wide supervisor for such an internationally active insurance group under subsections 3 and 4 of this section.**

**6. In the event of a dispute as to the proper regulatory official to act as group-wide supervisor, a determination by the director not to acknowledge the current group-wide supervisor shall be made only after notice and a public hearing, and such determination shall be accompanied by specific findings of fact and conclusions of law including, but not limited to, application of the factors listed in subdivisions (1) to (5) of subsection 3 of this section.**

**7. Under section 382.220, the director is authorized to collect from any insurer registered under sections 382.100 to 382.180 all information necessary to determine whether the director may act as the group-wide supervisor of an internationally active insurance group or if the director may acknowledge another regulatory official to act as the group-wide supervisor. Prior to issuing a determination that an internationally active insurance group is subject to group-wide supervision by the director, the director shall notify the insurer registered under sections 382.100 to 382.180 and the ultimate controlling person within the internationally active insurance group. The internationally active insurance group shall have not less than thirty days to provide the director with additional information pertinent to the pending determination. The director shall publish on the department's website the identity of internationally active insurance groups that the director has determined are subject to group-wide supervision by the director.**

**8. If the director is the group-wide supervisor for an internationally active insurance group, the director is authorized to engage in any of the following group-wide supervisory activities:**

**(1) Assess the enterprise risks within the internationally active insurance group to ensure that:**

**(a) The material financial condition and liquidity risks to the members of the internationally active insurance group that are engaged in the business of insurance are identified by management; and**

**(b) Reasonable and effective mitigation measures are in place;**

**(2) Request, from any member of an internationally active insurance group subject to the**

director's supervision, information necessary and appropriate to assess enterprise risk including, but not limited to, information about the members of the internationally active insurance group regarding:

- (a) Governance, risk assessment, and management;
- (b) Capital adequacy; and
- (c) Material intercompany transactions;

(3) Coordinate and, through the authority of the regulatory officials of the jurisdictions where members of the internationally active insurance group are domiciled, compel development and implementation of reasonable measures designed to ensure that the internationally active insurance group is able to timely recognize and mitigate enterprise risks to members of such internationally active insurance group that are engaged in the business of insurance;

(4) Communicate with other state, federal, and international regulatory agencies for members within the internationally active insurance group and share relevant information subject to the confidentiality provisions of section 382.230, through supervisory colleges as set forth in section 382.226 or otherwise;

(5) Enter into agreements with or obtain documentation from any insurer registered under sections 382.100 to 382.180, any member of the internationally active insurance group, and any other state, federal, and international regulatory agencies for members of the internationally active insurance group, providing the basis for or otherwise clarifying the director's role as group-wide supervisor, including provisions for resolving disputes with other regulatory officials. Such agreements or documentation shall not serve as evidence in any proceeding that any insurer or person within an insurance holding company system not domiciled or incorporated in this state is doing business in this state or is otherwise subject to jurisdiction in this state; and

(6) Other group-wide supervision activities, consistent with the authorities and purposes enumerated in this subsection, as considered necessary by the director.

9. If the director acknowledges that another regulatory official from a jurisdiction that is not accredited by the National Association of Insurance Commissioners is the group-wide supervisor, the director is authorized to reasonably cooperate, through supervisory colleges or otherwise, with group-wide supervision undertaken by the group-wide supervisor, provided that:

(1) The director's cooperation is in compliance with the laws of this state; and

(2) The regulatory official acknowledged as the group-wide supervisor also recognizes and cooperates with the director's activities as a group-wide supervisor for other internationally active insurance groups where applicable. Where such recognition and cooperation are not reasonably reciprocal, the director is authorized to refuse recognition and cooperation.

10. The director is authorized to enter into agreements with, or obtain documentation from, any insurer registered under sections 382.100 to 382.180, any affiliate of the insurer, and other state, federal, and international regulatory agencies, regarding members of the internationally active insurance group, which provides the basis for or otherwise clarifies a regulatory official's role as group-wide supervisor.

11. The director may promulgate regulations necessary for the administration of this section. Any

rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

**12. An insurer registered under sections 382.100 to 382.180 and subject to this section shall be liable for and shall pay the reasonable expenses of the director's participation in the administration of this section, including the engagements of attorneys, actuaries, and any other professionals and all reasonable travel expenses.**

382.230. 1. All information, documents and copies thereof in the possession or control of the director that are obtained by or disclosed to the director or any other person in the course of an examination or investigation made under section 382.220 and all information reported **or provided to the director** under subdivisions (13) and (14) of subsection 1 of section 382.050 [and] , sections 382.100 to 382.210, **and section 382.227** shall be given confidential treatment and privileges; shall not be subject to the provisions of chapter 610; shall not be subject to subpoena; shall not be made public by the director, the National Association of Insurance Commissioners, or any other person, except to the chief insurance regulatory official of other states; and shall not be subject to discovery or admissible as evidence in any private civil action. However, the director is authorized to use the documents, materials, or other information in furtherance of any regulatory or legal action brought as a part of the director's official duties. The director shall not otherwise make the documents, materials, or other information public without the prior written consent of the insurer to which it pertains unless the director, after giving the insurer and its affiliates who would be affected thereby, notice and opportunity to be heard, determines that the interests of policyholders, shareholders or the public will be served by the publication thereof, in which event the director may publish all or any part thereof in such manner as he or she may deem appropriate.

2. Neither the director nor any person who receives documents, materials, or other information while acting under the authority of the director or with whom such documents, materials, or other information is shared under sections 382.010 to 382.300 shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or other information subject to subsection 1 of this section.

3. In order to assist in the performance of the director's duties, the director:

(1) May share documents, materials, or other information including the confidential and privileged documents, materials, or other information subject to subsection 1 of this section with other state, federal, and international financial regulatory agencies, with the National Association of Insurance Commissioners and its affiliates and subsidiaries, and with state, federal, and international law enforcement authorities including members of any supervisory college described in section 382.225; provided that the recipient agrees in writing to maintain the confidentiality and privileged status of such documents, materials, or other information, and has verified in writing the legal authority to maintain confidentiality;

(2) Notwithstanding the provisions of subsection 1 of this section and subdivision (1) of this subsection, may share confidential and privileged documents, materials, or other information reported under section 382.175 only with the directors of states having statutes or regulations substantially similar to subsection

1 of this section and who have agreed in writing not to disclose such information;

(3) May receive documents, materials, or other information including otherwise confidential and privileged documents, materials, or information from the National Association of Insurance Commissioners and its affiliates and subsidiaries and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any documents, materials, or other information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or other information; and

(4) Shall enter into a written agreement with the National Association of Insurance Commissioners governing sharing and use of information provided under sections 382.010 to 382.300 consistent with this subsection that shall:

(a) Specify procedures and protocols regarding the confidentiality and security of information shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries under sections 382.010 to 382.300 including procedures and protocols for sharing by the National Association of Insurance Commissioners with other state, federal, and international regulators;

(b) Specify that ownership of information shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries under sections 382.010 to 382.300 remains with the director and that the National Association of Insurance Commissioners' use of such information is subject to the direction of the director;

(c) Require prompt notice to be given to an insurer whose confidential information in the possession of the National Association of Insurance Commissioners under sections 382.010 to 382.300 is subject to a request or subpoena to the National Association of Insurance Commissioners for disclosure or production; and

(d) Require the National Association of Insurance Commissioners and its affiliates and subsidiaries to consent to intervention by an insurer in any judicial or administrative action in which the National Association of Insurance Commissioners and its affiliates and subsidiaries may be required to disclose confidential information about the insurer shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries under sections 382.010 to 382.300.

4. The sharing of information by the director under sections 382.010 to 382.300 shall not constitute a delegation of regulatory or rulemaking authority, and the director is solely responsible for the administration, execution, and enforcement of the provisions of sections 382.010 to 382.300.

5. No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or other information shall occur as a result of disclosure of such documents, materials, or other information to the director under this section or as a result of sharing as authorized in sections 382.010 to 382.300.

6. Documents, materials, or other information in the possession or control of the National Association of Insurance Commissioners under sections 382.010 to 382.300 shall be confidential by law and privileged, shall not be subject to disclosure under chapter 610, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 13

Amend Senate Bill No. 358, Page 2, Section 191.607, Line 16, by inserting after said section and line



the following:

“376.1040. 1. No multiple employer self-insured health plan shall be offered or advertised to the public [generally]. No plan shall be sold, solicited, or marketed by persons or entities defined in section 375.012 or sections 376.1075 to 376.1095. **Multiple employer self-insured health plans with a certificate of authority approved by the director under section 376.1002 shall be exempt from the restrictions set forth in this section.**

**2. A health carrier acting as an administrator for a multiple employer self insured health plan shall permit any willing licensed producer to quote, sell, solicit, or market such plan to the extent permitted by this section; provided that such producer is appointed and in good standing with the health carrier and completes all required training.**

376.1042. The sale, solicitation or marketing of any plan **in violation of section 376.1040** by an agent, agency or broker shall constitute a violation of section 375.141.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 14

Amend Senate Bill No. 358, Page 2, Section 191.607, Line 16, by inserting after said section and line the following:

**“198.008. 1. Residents of long-term care facilities in this state shall have the following rights:**

- (1) To be free of abuse and exploitation;**
- (2) To safe, decent, and clean conditions;**
- (3) To be treated with courtesy, consideration, and respect;**
- (4) To not be subjected to discrimination based on age, race, religion, sex, nationality, or disability and to practice the resident’s own religious beliefs;**
- (5) To place in the resident’s room an electronic monitoring device that is owned and operated by the resident or provided by the resident’s guardian or legal representative;**
- (6) To privacy, including privacy during visits and telephone calls;**
- (7) To complain about the institution and to organize or participate in any program that presents residents’ concerns to the administrator of the long-term care facility;**
- (8) To have information about the resident in the possession of the long-term care facility maintained as confidential;**
- (9) To retain the services of a physician the resident chooses, at the resident’s own expense or through a health care plan, and to have a physician explain to the resident, in language that the resident understands, the resident’s complete medical condition, the recommended treatment, and the expected results of the treatment, including reasonably expected effects, side effects, and risks associated with psychoactive medications;**
- (10) To participate in developing a plan of care, to refuse treatment, and to refuse to participate in experimental research;**
- (11) To a written statement or admission agreement describing the services provided by the long-**

**term care facility and the related charges;**

**(12) To manage the resident's own finances or to delegate that responsibility to another person;**

**(13) To access moneys and property that the resident has deposited with the long-term care facility and to an accounting of the resident's moneys and property that are deposited with the long-term care facility and all of the financial transactions made with or on behalf of the resident;**

**(14) To keep and use personal property, secure from theft or loss;**

**(15) To not be relocated within the long-term care facility;**

**(16) To receive visitors;**

**(17) To receive unopened mail and to receive assistance in reading or writing correspondence;**

**(18) To participate in activities inside and outside the long-term care facility;**

**(19) To wear the resident's own clothes;**

**(20) To discharge himself or herself from the long-term care facility unless the resident is an adjudicated mental incompetent;**

**(21) To not be discharged from the long-term care facility except as provided in the standards adopted under section 198.088;**

**(22) To be free from any physical or chemical restraints imposed for the purposes of discipline or convenience, and not required to treat the resident's medical symptoms; and**

**(23) To receive information about prescribed psychoactive medication from the person prescribing the medication or that person's designee, to have any psychoactive medications prescribed and administered in a responsible manner, and to refuse to consent to the prescription of psychoactive medications.**

**2. A right of a resident may be restricted only to the extent necessary to protect:**

**(1) A right of another resident, particularly a right of the other resident relating to privacy and confidentiality; or**

**(2) The resident or another person from danger or harm.**

**3. The department of health and senior services may adopt rights of residents in addition to those required by this section and may consider additional rights applicable to residents in other jurisdictions.**

**198.610. 1. The provisions of sections 198.610 to 198.632 shall be known and may be cited as the "Authorized Electronic Monitoring in Long-Term Care Facilities Act".**

**2. For purposes of sections 198.610 to 198.632, the following terms shall mean:**

**(1) "Authorized electronic monitoring", the placement and use of an electronic monitoring device by a resident in his or her room in accordance with the provisions of sections 198.610 to 198.632;**

**(2) "Department", the department of health and senior services;**

**(3) "Electronic monitoring device", a surveillance instrument with a fixed-position video camera or an audio recording device, or a combination thereof, that is installed in a resident's room under**

the provisions of sections 198.610 to 198.632 and broadcasts or records activity or sounds occurring in the room;

(4) “Facility” or “Long-term care facility”, any residential care facility, assisted living facility, intermediate care facility, or skilled nursing facility, as defined in section 198.006;

(5) “Guardian”, the same meaning as defined under section 475.010;

(6) “Resident”, a person residing in a facility.

**198.612. 1.** No facility shall be civilly or criminally liable for the inadvertent or intentional disclosure of a recording by a resident or a person who consents on behalf of the resident for any purpose not authorized by sections 198.610 to 198.632.

**2.** No facility shall be civilly or criminally liable for a violation of a resident’s right to privacy arising out of any electronic monitoring conducted under sections 198.610 to 198.632.

**3.** The department shall promulgate rules to implement the provisions of sections 198.610 to 198.632. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

**198.614. 1.** For purposes of this chapter, the placement and use of an electronic monitoring device in the room of a resident is considered to be covert if:

(1) The placement and use of the device is not open and obvious; and

(2) The facility and the department are not informed about the device by the resident, by a person who placed the device in the room, or by a person who is using the device.

**2.** The department and the facility shall not be held to be civilly liable in connection with the covert placement or use of an electronic monitoring device in the room of a resident.

**198.616.** The department shall promulgate rules that prescribe the form that shall be completed and signed on a resident’s admission to a facility by or on behalf of the resident. The form shall state:

(1) That a person who places an electronic monitoring device in the room of a resident or who uses or discloses a tape or other recording made by the device may be civilly liable for any unlawful violation of the privacy rights of another;

(2) That a person who covertly places an electronic monitoring device in the room of a resident or who consents to or acquiesces in the covert placement of the device in the room of a resident has waived any privacy right the person may have had in connection with images or sounds that may be acquired by the device;

(3) That a resident or the resident’s guardian or legal representative is entitled to conduct authorized electronic monitoring, and that if the facility refuses to permit the electronic monitoring or fails to make reasonable physical accommodations for the authorized electronic monitoring that the person should contact the department;

**(4) The basic procedures that shall be followed to request authorized electronic monitoring;**

**(5) The manner in which this chapter affects the legal requirement to report abuse or neglect when electronic monitoring is being conducted; and**

**(6) Any other information regarding covert or authorized electronic monitoring that the department considers advisable to include on the form.**

**198.618. 1. If a resident has capacity to request electronic monitoring and has not been judicially declared to lack the required capacity, only the resident may request authorized electronic monitoring under this chapter, notwithstanding the terms of any durable power of attorney or similar instrument.**

**2. If a resident has been judicially declared to lack the capacity required for taking an action such as requesting electronic monitoring, only the guardian of the resident may request electronic monitoring under this chapter.**

**3. If a resident does not have capacity to request electronic monitoring but has not been judicially declared to lack the required capacity, only the legal representative of the resident may request electronic monitoring under this chapter. The department by rule shall prescribe:**

**(1) Guidelines that will assist facilities, family members of residents, advocates for residents, and other interested persons to determine if a resident lacks the required capacity; and**

**(2) Who shall be considered to be a resident's legal representative for purposes of this chapter, including:**

**(a) Persons who shall be considered the legal representative under the terms of an instrument executed by the resident when the resident had capacity; and**

**(b) Persons who shall become the legal representative for the limited purpose of this chapter under a procedure prescribed by the department.**

**198.620. 1. A resident or the guardian or legal representative of a resident who wishes to conduct authorized electronic monitoring shall make the request to the facility on a form prescribed by the department.**

**2. The form prescribed by the department shall require the resident or the resident's guardian or legal representative to:**

**(1) Release the facility from any civil liability for a violation of the resident's privacy rights in connection with the use of the electronic monitoring device;**

**(2) Choose, if the electronic monitoring device is a video surveillance camera, whether the camera will always be unobstructed, or whether the camera should be obstructed in specified circumstances to protect the dignity of the resident; and**

**(3) Obtain the consent of other residents in the room, using a form prescribed for the purpose by department, if the resident resides in a multiperson room.**

**3. Consent under subdivision (3) of subsection 2 of this section shall be given only:**

**(1) By the other resident or residents in the room;**

**(2) By the guardian of a person described by subdivision (1) of subsection 3 of this section, if the**

person has been judicially declared to lack the required capacity; or

(3) By the legal representative who, under section 198.618, shall request electronic monitoring on behalf of a person described by subdivision (1) of subsection 3 of this section, if the person does not have capacity to sign the form but has not been judicially declared to lack the required capacity.

4. The form prescribed by the department under subdivision (3) of subsection 2 of this section shall require any other resident in the room to consent to release the facility from any civil liability for a violation of the resident's privacy rights in connection with the use of the electronic monitoring device.

5. Another resident in the room may:

(1) If the proposed electronic monitoring device is a video surveillance camera, condition consent on the camera being pointed away from the consenting resident; and

(2) Condition consent on the use of an audio electronic monitoring device being limited or prohibited.

6. If authorized electronic monitoring is being conducted in the room of a resident and another resident is moved into the room who has not yet consented to the electronic monitoring, authorized electronic monitoring shall cease until the new resident has consented in accordance with this section.

7. The department shall include other information that the department considers to be appropriate on either of the forms that the department is required to prescribe under this section.

8. The department shall adopt rules prescribing the place or places that a form signed under this section shall be maintained and the period for which it shall be maintained.

9. Authorized electronic monitoring:

(1) Shall not commence until all request and consent forms required by this section have been completed and returned to the facility; and

(2) Shall be conducted in accordance with any limitation placed on the monitoring as a condition of the consent given by or on behalf of another resident in the room.

198.622. 1. A facility shall permit a resident or the resident's guardian or legal representative to monitor the room of the resident through the use of electronic monitoring devices.

2. The facility shall require a resident who conducts authorized electronic monitoring, or the resident's guardian or legal representative, to post and maintain a conspicuous notice at the entrance to the resident's room. The notice shall state that the room is being monitored by an electronic monitoring device.

3. Authorized electronic monitoring conducted under sections 198.610 to 198.632 shall not be compulsory and shall be conducted only at the request of the resident or the resident's guardian or legal representative.

4. A facility shall not refuse to admit an individual to residency in the facility and shall not remove a resident from the facility because of a request to conduct authorized electronic monitoring. A facility shall not remove a resident from the facility because covert electronic monitoring is being conducted by or on behalf of a resident.

**5. A facility shall make reasonable physical accommodation for authorized electronic monitoring, including:**

**(1) Providing a reasonably secure place to mount the video surveillance camera or other electronic monitoring device; and**

**(2) Providing access to power sources for the video surveillance camera or other electronic monitoring device.**

**6. The resident or the resident's guardian or legal representative shall pay for all costs associated with conducting electronic monitoring, other than the costs of electricity. The resident or the resident's guardian or legal representative shall be responsible for:**

**(1) All costs associated with installation of equipment; and**

**(2) Maintaining the equipment.**

**7. A facility shall require an electronic monitoring device to be installed in a manner that is safe for residents, employees, or visitors who may be moving about the room. The department shall adopt rules regarding the safe placement of an electronic monitoring device.**

**8. If authorized electronic monitoring is conducted, the facility shall require the resident or the resident's guardian or legal representative to conduct the electronic monitoring in plain view.**

**9. A facility may, but is not required to, place a resident in a different room to accommodate a request to conduct authorized electronic monitoring.**

**198.624. 1. For purposes of reporting abuse and neglect, a person who is conducting electronic monitoring on behalf of a resident under this chapter is considered to have viewed or listened to a tape or recording made by the electronic monitoring device on or before the fourteenth day after the date the tape or recording is made.**

**2. If a resident who has capacity to determine that the resident has been abused or neglected and who is conducting electronic monitoring under sections 198.610 to 198.632 gives a tape or recording made by the electronic monitoring device to a person and directs the person to view or listen to the tape or recording to determine whether abuse or neglect has occurred, the person to whom the resident gives the tape or recording is considered to have viewed or listened to the tape or recording on or before the seventh day after the date the person receives the tape or recording for the purposes of reporting abuse or neglect.**

**3. A person is required to report abuse based on the person's viewing of, or listening to, a tape or recording only if the incident of abuse is acquired on the tape or recording. A person is required to report neglect based on the person's viewing of, or listening to, a tape or recording only if it is clear from viewing or listening to the tape or recording that neglect has occurred.**

**4. If abuse or neglect of the resident is reported to the facility and the facility requests a copy of any relevant tape or recording made by an electronic monitoring device, the person who possesses the tape or recording shall provide the facility with a copy at the facility's expense.**

**198.626. 1. Subject to applicable rules of evidence and procedure and the requirements of this section, a tape or recording created through the use of covert or authorized electronic monitoring described by sections 198.610 to 198.632 may be admitted into evidence in a civil or criminal court**

action or administrative proceeding.

2. A court or administrative agency shall not admit into evidence a tape or recording created through the use of covert or authorized electronic monitoring or take or authorize action based on the tape or recording unless:

(1) If the tape or recording is a videotape or recording, the tape or recording shows the time and date that the events acquired on the tape or recording occurred;

(2) The contents of the tape or recording have not been edited or artificially enhanced; and

(3) If the contents of the tape or recording have been transferred from the original format to another technological format, the transfer was done by a qualified professional and the contents of the tape or recording were not altered.

3. A person who sends more than one tape or recording to the department shall identify for the department each tape or recording on which the person believes that an incident of abuse or evidence of neglect may be found. The department may adopt rules encouraging persons who send a tape or recording to the department to identify the place on the tape or recording that an incident of abuse or evidence of neglect may be found.

198.628. Each facility shall post a notice at the entrance to the facility stating that the rooms of some residents may be being monitored electronically by, or on behalf of, the residents and that the monitoring is not necessarily open and obvious. The department by rule shall prescribe the format and the precise content of the notice.

198.630. 1. The department may impose appropriate sanctions under this chapter on an administrator of a facility who knowingly:

(1) Refuses to permit a resident or the resident's guardian or legal representative to conduct authorized electronic monitoring;

(2) Refuses to admit an individual to residency or allows the removal of a resident from the institution because of a request to conduct authorized electronic monitoring;

(3) Allows the removal of a resident from the facility because covert electronic monitoring is being conducted by or on behalf of the resident; or

(4) Violates another provision of sections 198.610 to 198.632.

2. The department may assess an administrative penalty against a facility that:

(1) Refuses to permit a resident or the resident's guardian or legal representative to conduct authorized electronic monitoring;

(2) Refuses to admit an individual to residency or allows the removal of a resident from the institution because of a request to conduct authorized electronic monitoring;

(3) Allows the removal of a resident from the facility because covert electronic monitoring is being conducted by, or on behalf of, the resident; or

(4) Violates another provision of sections 198.610 to 198.632.

198.632. 1. A person who intentionally hampers, obstructs, tampers with, or destroys an electronic monitoring device installed in a resident's room in accordance with sections 198.610 to 198.632 or a

**tape or recording made by the device commits an offense. An offense under this section is a class B misdemeanor.**

**2. It is a defense to prosecution under subsection 1 of this section that the person who took the action with the effective consent of the resident on whose behalf the electronic monitoring device was installed, or the resident's guardian or legal representative.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 15

Amend Senate Bill No. 358, Page 2, Section 191.607, Line 16, by inserting after said section and line the following:

**“217.199. 1. As used in this section, “healthcare products” include tampons and sanitary napkins.**

**2. The director shall ensure that healthcare products are available for free to offenders while confined in any correctional center of the department, in a quantity that is appropriate for the healthcare needs of each offender. The director shall ensure that the healthcare products conform with applicable industry standards.**

**221.520. 1. As used in this section, the following terms shall mean:**

**(1) “Extraordinary circumstance”, a substantial flight risk or some other extraordinary security circumstance that dictates restraints be used to ensure the safety and security of a pregnant prisoner in her third trimester or a postpartum prisoner within forty-eight hours postdelivery, the staff of the county or city jail or medical facility, other prisoners, or the public;**

**(2) “Labor”, the period of time before a birth during which contractions are present;**

**(3) “Major bodily function”, functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions;**

**(4) “Medical emergency”, a condition that, based on reasonable medical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate removal of restraints to avert the death of the pregnant woman or for which a delay in removal of restraints will create a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman;**

**(5) “Physician”, any person licensed by the state board of registration for the healing arts to practice medicine in this state;**

**(6) “Postpartum”, the period of recovery immediately following childbirth, which is six weeks for a vaginal birth or eight weeks for a cesarean birth, or longer if so determined by a physician;**

**(7) “Reasonable medical judgment”, a medical judgment made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved;**

**(8) “Restraints”, any physical restraint or other device used to control the movement of a person's body or limbs;**

**(9) “Third trimester”, gestational age, which is the length of pregnancy as measured from the first**



day of the woman's last menstrual period, of twenty-eight weeks or more;

(10) "Unborn child", the offspring of human beings from the moment of conception until birth and at every state of its biological development, including the human conceptus, zygote, morula, blastocyst, embryo, and fetus.

2. Pregnant prisoners shall be transported in vehicles equipped with seatbelts.

3. Any time restraints are used on a pregnant prisoner in her third trimester or on a postpartum prisoner within forty-eight hours postdelivery, as documented by a physician and for which the county or city officer or sheriff or jailer has written notice, the restraints shall be the least restrictive available and reasonable under the circumstances. Only in extraordinary circumstances, as determined by a county or city officer or jail official, shall ankle or waist restraints be used on any such offender.

4. If, based on his or her reasonable medical judgment, a doctor, nurse, or other licensed health care provider treating the pregnant prisoner in her third trimester or the postpartum prisoner within forty-eight hours postdelivery, as previously documented by a physician, finds that a medical emergency exists and requests that restraints not be used, the county or city officer or sheriff or jailer accompanying such prisoner shall as soon as practical remove all restraints. The individual ordering the removal of restraints shall assume all liability for acts and damages that occur as a result of the restraints being removed and shall report in writing the specific facts justifying the medical emergency. The report shall be kept on file for at least five years.

5. In the event a county or city officer or sheriff or jailer determines that extraordinary circumstances exist and restraints are necessary, the officer, sheriff, or jailer shall fully document in writing within forty-eight hours of the incident the reasons he or she determined such extraordinary circumstances existed, the type of restraints used, and the reasons those restraints were considered the least restrictive available and reasonable under the circumstances. Such documents shall be kept on file by the county or city jail for at least five years from the date the restraints were used.

6. The county or city jail shall inform female prisoners, in writing and orally, of any policies and practices developed in accordance with this section upon admission to the jail, and post the policies and practices in locations in the jail where such notices are commonly posted and will be seen by female prisoners.""; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 16

Amend Senate Bill No. 358, Page 2, Section 191.607, Line 16, by inserting after all of said section and line the following:

"324.037. 1. For the purposes of this section, the term "health care professional" shall mean a physician, other health care practitioner or mental health professional licensed, accredited, or certified by the state of Missouri to perform health services, including, but not limited to, a psychologist, a behavior analyst, a professional counselor, a clinical social worker, a baccalaureate social worker, an advanced macro social worker, a master social worker, or a marital and family therapist .

2. Any health care professional in the state of Missouri may annually complete up to two hours

**of cultural competency training, which shall qualify as part of the continuing education requirements for his or her licensure.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 17

Amend Senate Bill No. 358, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

**“190.256. 1. The board of registration for the healing arts shall work with certifying entities, as defined in section 334.735, to establish educational programs for an emergency medical technician-paramedic, as defined in section 190.100, to receive the education and training needed to become a physician assistant, as defined in section 334.735. The education and training programs shall be consistent with the educational requirements of the certifying entities’ requirements for physician assistants. The educational and training programs shall recognize and give credit for any relevant education and training received by the emergency medical technician-paramedic.**

**2. The board shall establish the education and training programs by July 1, 2020.**

**3. The board shall allow any state university to provide the curriculum established by the board for the education and training programs.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 18

Amend Senate Bill No. 358, Page 2, Section 191.607, Line 16, by inserting after all of said section and line the following:

**“Section 1. 1. There is hereby created the “Missouri Task Force Task Force” for the purpose of overseeing and monitoring the work of task forces in the state. The task force shall investigate the current status of task forces in the state, including whether each task force is fulfilling its statutory obligations.**

**2. The task force shall consist of the following members:**

**(1) One member appointed by the speaker of the house of representatives;**

**(2) One member appointed by the president pro tempore of the senate;**

**(3) One member appointed by the minority leader of the house of representatives;**

**(4) One member appointed by the minority leader of the senate; and**

**(5) Three members appointed by the governor, one of whom shall be a member of the public and two of whom shall be current members of other task forces.**

**3. The members shall be appointed no later than thirty days after the effective date of this section. The task force shall hold its first meeting no later than fifteen days after the members are appointed.**

**4. The task force shall elect a chair and vice-chair at its first meeting.**

**5. The staffs of senate research and house research shall provide technical assistance to the task force as necessary for the completion of its duties.**

**6. The task force shall submit a report of its findings and recommendations to the general assembly by December 31, 2020.**

**7. The task force shall terminate on December 31, 2020.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 19

Amend House Amendment No. 19 to Senate Bill No. 358, Page 1, Line 4, by deleting said line and inserting in lieu thereof the following:

“135.090. 1. As used in this section, the following terms mean:

(1) “Homestead”, the dwelling in Missouri owned by the surviving spouse and not exceeding five acres of land surrounding it as is reasonably necessary for use of the dwelling as a home. As used in this section, “homestead” shall not include any dwelling which is occupied by more than two families;

(2) “Public safety officer”, any firefighter, police officer, capitol police officer, parole officer, probation officer, correctional employee, water patrol officer, park ranger, conservation officer, commercial motor enforcement officer, emergency medical technician, first responder, or highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed in the line of duty, unless the death was the result of the officer’s own misconduct or abuse of alcohol or drugs;

(3) “Surviving spouse”, a spouse, who has not remarried, of a public safety officer.

2. For all tax years beginning on or after January 1, 2008, a surviving spouse shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to the total amount of the property taxes on the surviving spouse’s homestead paid during the tax year for which the credit is claimed. A surviving spouse may claim the credit authorized under this section for each tax year beginning the year of death of the public safety officer spouse until the tax year in which the surviving spouse remarries. No credit shall be allowed for the tax year in which the surviving spouse remarries. If the amount allowable as a credit exceeds the income tax reduced by other credits, then the excess shall be considered an overpayment of the income tax.

3. The department of revenue shall promulgate rules to implement the provisions of this section.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

5. Pursuant to section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall expire on December 31, [2019] **2027**, unless reauthorized by the general assembly; and

(2) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and

(3) The provisions of this subsection shall not be construed to limit or in any way impair the

department's ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.

135.562. 1. If any taxpayer with a federal adjusted gross income of thirty thousand dollars"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 19

Amend Senate Bill No. 358, Page 1, Section A, Line 3, by inserting after said section and line the following:

"135.562. 1. If any taxpayer with a federal adjusted gross income of thirty thousand dollars or less incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of one hundred percent of such costs or two thousand five hundred dollars per taxpayer, per tax year.

2. Any taxpayer with a federal adjusted gross income greater than thirty thousand dollars but less than sixty thousand dollars who incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of fifty percent of such costs or two thousand five hundred dollars per taxpayer per tax year. No taxpayer shall be eligible to receive tax credits under this section in any tax year immediately following a tax year in which such taxpayer received tax credits under the provisions of this section.

3. Tax credits issued [pursuant to] **under** this section may be refundable in an amount not to exceed two thousand five hundred dollars per tax year.

4. Eligible costs for which the credit may be claimed include:

- (1) Constructing entrance or exit ramps;
- (2) Widening exterior or interior doorways;
- (3) Widening hallways;
- (4) Installing handrails or grab bars;
- (5) Moving electrical outlets and switches;
- (6) Installing stairway lifts;
- (7) Installing or modifying fire alarms, smoke detectors, and other alerting systems;
- (8) Modifying hardware of doors; or
- (9) Modifying bathrooms.

5. The tax credits allowed, including the maximum amount that may be claimed, [pursuant to] **under** this section shall be reduced by an amount sufficient to offset any amount of such costs a taxpayer has already deducted from such taxpayer's federal adjusted gross income or to the extent such taxpayer has applied any other state or federal income tax credit to such costs.

6. A taxpayer shall claim a credit allowed by this section in the same [taxable] **tax** year as the credit is

issued, and at the time such taxpayer files his or her Missouri income tax return; provided that such return is timely filed.

7. The department may, in consultation with the department of social services, promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The provisions of this section shall apply to all tax years beginning on or after January 1, 2008.

9. The provisions of this section shall expire December 31, [2019] **2025**, unless reauthorized by the general assembly. This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.

10. In no event shall the aggregate amount of all tax credits allowed [pursuant to] **under** this section exceed one hundred thousand dollars in any given fiscal year. The tax credits issued pursuant to this section shall be on a first-come, first-served filing basis.”; and

#### HOUSE AMENDMENT NO. 20

Amend Senate Bill No. 358, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“178.931. 1. Beginning July 1, 2018, and thereafter, the department of elementary and secondary education shall pay monthly, out of the funds appropriated to it for that purpose, to each sheltered workshop a sum equal to the amount calculated under subsection 2 of this section but at least the amount necessary to ensure that at least twenty-one dollars is paid for each six-hour or longer day worked by a handicapped employee **for each standard workweek of up to and including thirty-eight hours worked. For each handicapped worker employed by a sheltered workshop for less than a thirty-eight-hour week or a six-hour day, the workshop shall receive a percentage of the corresponding amount normally paid based on the percentage of time worked by the handicapped employee.**

2. In order to calculate the monthly amount due to each sheltered workshop, the department shall:

(1) Determine the quotient obtained by dividing the appropriation for the fiscal year by twelve; and

(2) Divide the amount calculated under subdivision (1) of this subsection among the sheltered workshops in proportion to each sheltered workshop's number of hours submitted to the department for the preceding calendar month.

3. The department shall accept, as prima facie proof of payment due to a sheltered workshop, information as designated by the department, either in paper or electronic format. A statement signed by the president, secretary, and manager of the sheltered workshop, setting forth the dates worked and the number of hours worked each day by each handicapped person employed by that sheltered workshop during

the preceding calendar month, together with any other information required by the rules or regulations of the department, shall be maintained at the workshop location.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 21

Amend Senate Bill No. 358, Page 2, Section 191.607, Line 16, by inserting after all of said section and line the following:

“376.1578. 1. Within two working days after receipt of a faxed or mailed completed application, the health carrier shall send a notice of receipt to the practitioner. A health carrier shall provide access to a provider web portal that allows the practitioner to receive notice of the status of an electronically submitted application.

2. A health carrier shall assess a health care practitioner’s credentialing information and make a decision as to whether to approve or deny the practitioner’s credentialing application within sixty business days of the date of receipt of the completed application. The sixty-day deadline established in this section shall not apply if the application or subsequent verification of information indicates that the practitioner has:

(1) A history of behavioral disorders or other impairments affecting the practitioner’s ability to practice, including but not limited to substance abuse;

(2) Licensure disciplinary actions against the practitioner’s license to practice imposed by any state or territory or foreign jurisdiction;

(3) Had the practitioner’s hospital admitting or surgical privileges or other organizational credentials or authority to practice revoked, restricted, or suspended based on the practitioner’s clinical performance; or

(4) A judgment or judicial award against the practitioner arising from a medical malpractice liability lawsuit.

**3. Once a practitioner has been credentialed or re-credentialed with a health carrier, the health carrier shall provide retroactive payments for any covered services performed by the practitioner during the application period, which begins when the health carrier has received a completed application for credentialing.**

4. The department of insurance, financial institutions and professional registration shall establish a mechanism for reporting alleged violations of this section to the department.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 87**, entitled:

An Act to repeal section 143.1026, RSMo, and to enact in lieu thereof three new sections relating to tax refund donations.

With House Amendment Nos. 1, 2, House Amendment No. 2 to House Amendment No. 3, House

Amendment No. 3, as amended, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5, as amended, House Amendment No. 1 to House Amendment No. 6, House Amendment No. 2 to House Amendment No. 6, House Amendment No. 6, as amended, House Amendment No. 1 to House Amendment No. 7 and House Amendment No. 7, as amended.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 87, Page 1, In the Title, Lines 2-3, by deleting the words “tax refund donations” and inserting in lieu thereof the word “taxation”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 87, Page 1, Section A, Line 2, by inserting after all of the said section and line the following:

“143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer’s federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer’s federal adjusted gross income:

(1) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(2) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (1) of subsection 3 of this section. The amount added pursuant to this subdivision shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(3) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002;

(4) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this subdivision after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss; and

(5) For nonresident individuals in all taxable years ending on or after December 31, 2006, the amount of any property taxes paid to another state or a political subdivision of another state for which a deduction

was allowed on such nonresident's federal return in the taxable year unless such state, political subdivision of a state, or the District of Columbia allows a subtraction from income for property taxes paid to this state for purposes of calculating income for the income tax for such state, political subdivision of a state, or the District of Columbia.

**(6) For all tax years beginning on or after January 1, 2018, any interest expense paid or accrued in a previous taxable year, but allowed as a deduction under 26 U.S.C. 163, as amended, in the current taxable year by reason of the carryforward of disallowed business interest provisions of 26 U.S.C. 163(j), as amended. For the purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under 26 U.S.C. 163, as amended, if the limitation under 26 U.S.C. 163(j), as amended, did not exist.**

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(1) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this subdivision shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this subdivision. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(5) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(6) The portion of capital gain specified in section 135.357 that would otherwise be included in federal adjusted gross income;

(7) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;



(8) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, “combat zone” means any area which the President of the United States by Executive Order designates as an area in which Armed Forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone;

(9) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an additional modification was made under subdivision (3) of subsection 2 of this section, the amount by which additional modification made under subdivision (3) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in subdivision (7) of this subsection; [and]

(10) For all tax years beginning on or after January 1, 2014, the amount of any income received as payment from any program which provides compensation to agricultural producers who have suffered a loss as the result of a disaster or emergency, including the:

- (a) Livestock Forage Disaster Program;
- (b) Livestock Indemnity Program;
- (c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish;
- (d) Emergency Conservation Program;
- (e) Noninsured Crop Disaster Assistance Program;
- (f) Pasture, Rangeland, Forage Pilot Insurance Program;
- (g) Annual Forage Pilot Program;
- (h) Livestock Risk Protection Insurance Plan; and
- (i) Livestock Gross Margin insurance plan; and

**(11) For all tax years beginning on or after January 1, 2018, any interest expense paid or accrued in the current taxable year, but not deducted as a result of the limitation imposed under 26 U.S.C. 163(j), as amended. For the purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under 26 U.S.C. 163, as amended, if the limitation under 26 U.S.C. 163(j), as amended, did not exist.**

4. There shall be added to or subtracted from the taxpayer’s federal adjusted gross income the taxpayer’s share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer’s federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer’s federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer’s federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

7. (1) As used in this subsection, “qualified health insurance premium” means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer’s spouse, or the taxpayer’s dependents.

(2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the amount of qualified health insurance premiums shall be subtracted from the taxpayer’s federal adjusted gross income to the extent the amount paid for such premiums is included in federal taxable income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid.

8. (1) Beginning January 1, 2014, in addition to the subtractions provided in this section, one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an entity certified by the department of natural resources under section 640.153 or the implementation of any energy efficiency recommendations made in such an audit shall be subtracted from the taxpayer’s federal adjusted gross income to the extent the amount paid for any such activity is included in federal taxable income. The taxpayer shall provide the department of revenue with a summary of any recommendations made in a qualified home energy audit, the name and certification number of the qualified home energy auditor who conducted the audit, and proof of the amount paid for any activities under this subsection for which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any recommendations made in a qualified home energy audit to the department of natural resources.

(2) At no time shall a deduction claimed under this subsection by an individual taxpayer or taxpayers filing combined returns exceed one thousand dollars per year for individual taxpayers or cumulatively exceed two thousand dollars per year for taxpayers filing combined returns.

(3) Any deduction claimed under this subsection shall be claimed for the tax year in which the qualified home energy audit was conducted or in which the implementation of the energy efficiency recommendations occurred. If implementation of the energy efficiency recommendations occurred during more than one year, the deduction may be claimed in more than one year, subject to the limitations provided under subdivision (2) of this subsection.

(4) A deduction shall not be claimed for any otherwise eligible activity under this subsection if such activity qualified for and received any rebate or other incentive through a state-sponsored energy program or through an electric corporation, gas corporation, electric cooperative, or municipally owned utility.

9. The provisions of subsection 8 of this section shall expire on December 31, 2020.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO  
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Bill No. 87, Page 2, Line 28, by inserting after all of said line the following:

“Further amend said bill, Page 4, Section 143.1029, Line 32, by inserting after all of said line the following;

**“144.088. 1. For purposes of this section, the following terms shall mean:**

**(1) “Sales invoice”, any document, in either paper or electronic format, which lists items to be sold as part of a sales transaction and states the prices of such items; and**

**(2) “Sales receipt”, any document, in either paper or electronic format, which lists items sold as part of a sales transaction and states the prices of such items.**

**2. Any seller who sells more than five hundred thousand dollars worth of goods per year and provides a purchaser with a sales receipt or sales invoice in conjunction with a sale, as defined under section 144.010, shall clearly state on such sales receipt or sales invoice the total rate of all sales tax imposed on the sale referenced by such document. This total rate shall reflect any applicable state or local sales tax authorized under the laws of this state.”; and”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 3**

Amend House Committee Substitute for Senate Bill No. 87, Page 1, Section A, Line 2, by inserting after all of said line the following:

**“143.980. 1. This section shall be known as the “Taxpayer Protection Act”.**

**2. For purposes of this section, the following terms shall mean:**

**(1) “Department”, the Missouri department of revenue;**

**(2) “Paid tax return preparer”, a person who prepares for compensation, or who employs one or more person to prepare for compensation, any income tax return or claim for refund required to be filed under this chapter. The preparation of a substantial portion of a return or claim for refund shall be treated as the preparation of such return or claim for refund. A paid tax return preparer shall not include any certified public accountant who holds an active license issued by any state and the employees of such certified public accountant or certified public accounting firm or an enrolled agent entitled to practice before the federal Internal Revenue Service under 31 C.F.R. Section 10.4;**

**(3) “Willful or reckless conduct”, the same meaning as provided under 26 U.S.C. Section 6694(b)(2).**

**3. For all tax years beginning on or after January 1, 2020, any income return or claim for refund prepared by a paid tax return preparer shall be signed by the paid tax return preparer and shall bear the paid tax return preparer’s Internal Revenue Service preparer tax identification number. Any person who is the paid tax return preparer with respect to any tax return or claim for refund and who fails to sign the return or claim for refund, or who fails to provide his or her preparer tax identification number, shall pay a penalty of fifty dollars for each such failure, unless it can be shown that the failure was due to reasonable cause and not willful or reckless conduct. The aggregate penalty that may be imposed by the department on any paid tax return preparer with respect to returns or claims for refund filed during any calendar year shall not exceed twenty-five thousand dollars per paid tax return preparer.**

**4. (1) In a court of competent jurisdiction, the director of the department may commence suit to enjoin any paid tax return preparer from further engaging in any conduct described under subdivision 2 of this subsection or from further action as a paid tax return preparer.**

**(2) In any action under subdivision 1 of this subsection, if the court finds that injunctive relief is appropriate to prevent the recurrence of this conduct, the court may enjoin the paid tax return preparer from further engaging in any conduct specified in this subdivision. The court may enjoin**

**conduct when a paid tax return preparer has done any of the following:**

**(a) Prepared any income tax return or claim for refund that includes an understatement of a taxpayer's liability due to an unreasonable position. For purposes of this subdivision, the term "unreasonable position" shall have the same meaning as provided under 26 U.S.C. Section 6694(a)(2);**

**(b) Prepared any income tax return or claim for refund that includes an understatement of a taxpayer's liability due to the paid tax return preparer's willful or reckless conduct;**

**(c) Where required, failed to sign an income tax return or claim for refund;**

**(d) Where required, failed to furnish his or her preparer tax identification number;**

**(e) Where required, failed to retain a copy of the income tax return;**

**(f) Where required by due diligence requirements imposed under department rules and regulations, failed to be diligent in determining eligibility for tax benefits;**

**(g) Negotiated a check issued to a taxpayer by the department without the permission of the taxpayer;**

**(h) Engaged in any conduct subject to any criminal penalty provided under chapters 135 to 155;**

**(i) Misrepresented the paid tax return preparer's eligibility to practice to the department or otherwise misrepresented the paid tax return preparer's experience or education;**

**(j) Guaranteed the payment of any income tax refund or the allowance of any income tax credit; or**

**(k) Engaged in any other fraudulent or deceptive conduct that substantially interferes with the proper administration of the tax laws of this state.**

**(3) (a) If the court finds that a paid tax return preparer has continually or repeatedly engaged in any conduct described under subdivision 2 of this subsection and that an injunction prohibiting the conduct would not be sufficient to prevent the person's interference with the proper administration of the tax laws of this state, the court may enjoin the person from acting as a paid tax return preparer in this state.**

**(b) The fact that the person has been enjoined from preparing tax returns or claims for refund for the United States or any other state in the five years preceding the petition for an injunction shall establish a prima facie case for an injunction to be issued under this section. For purposes of this paragraph, the term "state" shall mean a state of the United States, the District of Columbia, Puerto Rico, United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States."; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Bill No. 87, Page 1, Line 4, by inserting before the number "135.562." the following:

"135.090. 1. As used in this section, the following terms mean:

(1) “Homestead”, the dwelling in Missouri owned by the surviving spouse and not exceeding five acres of land surrounding it as is reasonably necessary for use of the dwelling as a home. As used in this section, “homestead” shall not include any dwelling which is occupied by more than two families;

(2) “Public safety officer”, any firefighter, police officer, capitol police officer, parole officer, probation officer, correctional employee, water patrol officer, park ranger, conservation officer, commercial motor vehicle enforcement officer, emergency medical responder, as defined in section 190.100, emergency medical technician, first responder, or highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed in the line of duty, unless the death was the result of the officer’s own misconduct or abuse of alcohol or drugs;

(3) “Surviving spouse”, a spouse, who has not remarried, of a public safety officer.

2. For all tax years beginning on or after January 1, 2008, a surviving spouse shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to the total amount of the property taxes on the surviving spouse’s homestead paid during the tax year for which the credit is claimed. A surviving spouse may claim the credit authorized under this section for each tax year beginning the year of death of the public safety officer spouse until the tax year in which the surviving spouse remarries. No credit shall be allowed for the tax year in which the surviving spouse remarries. If the amount allowable as a credit exceeds the income tax reduced by other credits, then the excess shall be considered an overpayment of the income tax.

3. The department of revenue shall promulgate rules to implement the provisions of this section.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

5. Pursuant to section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall expire on December 31, [2019] **2027**, unless reauthorized by the general assembly; and

(2) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and

(3) The provisions of this subsection shall not be construed to limit or in any way impair the department’s ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a taxpayer’s ability to redeem such tax credits.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 87, Page 1, Section A, Line 3, by inserting after said section and line the following:

“135.562. 1. If any taxpayer with a federal adjusted gross income of thirty thousand dollars or less incurs costs for the purpose of making all or any portion of such taxpayer’s principal dwelling accessible to an

individual with a disability who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of one hundred percent of such costs or two thousand five hundred dollars per taxpayer, per tax year.

2. Any taxpayer with a federal adjusted gross income greater than thirty thousand dollars but less than sixty thousand dollars who incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of fifty percent of such costs or two thousand five hundred dollars per taxpayer per tax year. No taxpayer shall be eligible to receive tax credits under this section in any tax year immediately following a tax year in which such taxpayer received tax credits under the provisions of this section.

3. Tax credits issued [pursuant to] **under** this section may be refundable in an amount not to exceed two thousand five hundred dollars per tax year.

4. Eligible costs for which the credit may be claimed include:

- (1) Constructing entrance or exit ramps;
- (2) Widening exterior or interior doorways;
- (3) Widening hallways;
- (4) Installing handrails or grab bars;
- (5) Moving electrical outlets and switches;
- (6) Installing stairway lifts;
- (7) Installing or modifying fire alarms, smoke detectors, and other alerting systems;
- (8) Modifying hardware of doors; or
- (9) Modifying bathrooms.

5. The tax credits allowed, including the maximum amount that may be claimed, [pursuant to] **under** this section shall be reduced by an amount sufficient to offset any amount of such costs a taxpayer has already deducted from such taxpayer's federal adjusted gross income or to the extent such taxpayer has applied any other state or federal income tax credit to such costs.

6. A taxpayer shall claim a credit allowed by this section in the same [taxable] **tax** year as the credit is issued, and at the time such taxpayer files his or her Missouri income tax return; provided that such return is timely filed.

7. The department may, in consultation with the department of social services, promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The provisions of this section shall apply to all tax years beginning on or after January 1, 2008.

9. The provisions of this section shall expire December 31, [2019] **2025**, unless reauthorized by the general assembly. This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.

10. In no event shall the aggregate amount of all tax credits allowed [pursuant to] **under** this section exceed one hundred thousand dollars in any given fiscal year. The tax credits issued pursuant to this section shall be on a first-come, first-served filing basis.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 6

Amend House Amendment No. 6 to House Committee Substitute for Senate Bill No. 87, Page 3, Line 38, by inserting after the word “applied” the following:

**“143.732. 1. Notwithstanding any provision of law to the contrary, no taxpayer who has an individual tax liability under chapter 143 for the tax year beginning January 1, 2018, and ending December 31, 2018, shall be assessed any penalty before December 31, 2019, for a delayed payment or underpayment on such liability, provided that such taxpayer timely files his or her individual income tax return for such tax year and participates, in good faith, in any payment plan authorized by the department of revenue with respect to such liability. Such taxpayer may nonetheless be assessed interest on such liability under the provisions of section 143.731 and any other relevant provision of law, provided that no interest on such liability shall be assessed before May 15, 2019. If such taxpayer paid interest or penalty on such liability under the provisions of section 143.731 and any other relevant provision of law before May 15, 2019, he or she shall be entitled to a refund of such interest or penalty, which shall be due no later than December 31, 2019.**

**2. The department of revenue is authorized to adopt such rules and regulations as are reasonable and necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.**

**3. Under section 23.253 of the Missouri sunset act:**

**(1) The provisions of the new program authorized under this section shall automatically sunset on December 31, 2019; and**

**(2) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and**

Further amend said amendment, Page 3, Line 38, by inserting after all of said line the following:

“Further amend said bill, Page 4, Section 143.1029, Line 32, by inserting after said section and line the

following:

“Section B. Because immediate action is necessary to ensure that taxpayers in this state have adequate time to understand and meet their income tax obligations for the 2018 tax year, due to recent changes in the published state employer withholding tax guidance issued in response to the passage of U.S. Pub. L. No. 115-97, section 143.732 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 143.732 of section A of this act shall be in full force and effect upon its passage and approval.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO  
HOUSE AMENDMENT NO. 6

Amend House Amendment No. 6 to House Committee Substitute for Senate Bill No. 87, Page 3 Line 38, by inserting after all of said line the following:

Further amend said bill, Section 143.1028, Page 4, Line 32, by inserting after all of said section and line the following:

“313.905. As used in sections 313.900 to 313.955, the following terms shall mean:

- (1) “Authorized internet website”, an internet website or any platform operated by a licensed operator;
- (2) “Commission”, the Missouri gaming commission;
- (3) “Entry fee”, anything of value including, but not limited to, cash or a cash equivalent that a fantasy sports contest operator collects in order to participate in a fantasy sports contest;
- (4) “Fantasy sports contest”, any fantasy or simulated game or contest with an entry fee[, conducted on an internet website or any platform,] in which:
  - (a) The value of all prizes and awards offered to the winning participants is established and made known in advance of the contest;
  - (b) All winning outcomes reflect in part the relative knowledge and skill of the participants and are determined predominantly by the accumulated statistical results of the performance of individuals, including athletes in the case of sports events; and
  - (c) No winnings outcomes are based on the score, point spread, or any performance of any single actual team or combination of teams or solely on any single performance of an individual athlete or player in any single actual event;
- (5) “Fantasy sports contest operator”, any person [or], entity, **or division of a corporate entity** that offers [fantasy sports contests for a prize] **a platform for the playing of fantasy contests, administers one or more fantasy contests with an entry fee, and awards a prize of value;**
- (6) “Highly experienced player”, a person who has either:
  - (a) Entered more than one thousand contests offered by a single fantasy sports contest operator; or
  - (b) Won more than three fantasy sports prizes of one thousand dollars or more;
- (7) “Licensed operator”, a fantasy sports contest operator licensed pursuant to section 313.910 to offer



fantasy sports contests for play on an authorized internet website in Missouri;

(8) **“Location”, the geographical position of a person as determined within a degree of accuracy consistent with generally available internet protocol address locators;**

(9) **“Location percentage”, for all fantasy sports contests, the percentage, rounded to the nearest one-tenth of one percent, of the total entry fees collected from registered players located in the state of Missouri at the time of entry into a fantasy contest, divided by the total entry fees collected from all players, regardless of the players’ location, of the fantasy sports contests;**

(10) **“Minor”, any person less than eighteen years of age;**

[(9)] (11) **“Net revenue”, for all fantasy sports contests, the amount equal to the total entry fees collected from all participants entering such fantasy sports contests less winnings paid to participants in the contests, multiplied by the [resident] location percentage;**

[(10)] (12) **“Player”, a person who participates in a fantasy sports contest offered by a fantasy sports contest operator;**

[(11)] (13) **“Prize”, anything of value including, but not limited to, cash or a cash equivalent, contest credits, merchandise, or admission to another contest in which a prize may be awarded;**

[(12)] (14) **“Registered player”, a person registered pursuant to section 313.920 to participate in a fantasy sports contest [on an authorized internet website];**

[(13)] **“Resident percentage”, for all fantasy sports contests, the percentage, rounded to nearest one-tenth of one percent, of the total entry fees collected from Missouri residents divided by the total entry fees collected from all players, regardless of the players’ location, of the fantasy sports contests; and**

(14)] (15) **“Script”, a list of commands that a fantasy-sports-related computer program can execute to automate processes on a fantasy sports contest platform.**

313.915. 1. In order to ensure the protection of registered players, an authorized internet website shall identify the person or entity that is the licensed operator.

2. A licensed operator shall ensure that fantasy sports contests on its authorized internet website comply with all of the following:

(1) All winning outcomes are determined by accumulated statistical results of fully completed contests or events, and not merely any portion thereof, except that fantasy participants may be credited for statistical results accumulated in a suspended or shortened contest or event which has been called on account of weather or other natural or unforeseen event;

(2) [A licensed operator shall not allow] Registered players [to] **shall not** select athletes through an autodraft that does not involve any input or control by a registered player, or to choose preselected teams of athletes;

(3) [A licensed operator shall not offer or award] A prize **shall not be offered to or awarded** to the winner of, or athletes in, the underlying competition itself; and

(4) [A licensed operator shall not offer] Fantasy sports contests **shall not be** based on the performances of participants in [collegiate,] high school[,] or youth athletics.

3. A licensed operator shall have procedures approved by the commission before operating in Missouri

that:

(1) [Prevents] **Prevent** unauthorized withdrawals from a registered player's account by the licensed operator or others;

(2) [Makes] **Make** clear that funds in a registered player's account are not the property of the licensed operator and are not available to the licensed operator's creditors;

(3) Segregate player funds from operational funds **as provided under subsections 4 and 5 of this section**;

(4) [Maintain a reserve in the form of cash or cash equivalents in the amount of the deposits made to the accounts of fantasy sports contest players for the benefit and protection of the funds held in such accounts;

(5) [Ensures] **Ensure** any prize won by a registered player from participating in a fantasy sports contest is deposited into the registered player's account within forty-eight hours **or mailed within five business days** of winning the prize **except as provided under section 313.917**;

[(6)] (5) [Ensures] **Ensure** registered players can withdraw the funds maintained in their individual accounts, whether such accounts are open or closed, within five business days of the request being made, unless the licensed operator believes in good faith that the registered player engaged in either fraudulent conduct or other conduct that would put the licensed operator in violation of sections 313.900 to 313.955, in which case the licensed operator may decline to honor the request for withdrawal for a reasonable investigatory period until its investigation is resolved if it provides notice of the nature of the investigation to the registered player. For the purposes of this provision, a request for withdrawal will be considered honored if it is processed by the licensed operator but delayed by a payment processor, credit card issuer or by the custodian of a financial account;

[(7)] (6) [Allows] **Allow** a registered player to permanently close their account at any time for any reason; and

[(8)] (7) [Offers] **Offer** registered players access to their play history and account details.

4. **A properly constituted special purpose entity shall be approved by the commission as a sufficient means of segregating player funds from operational funds. A properly constituted special purpose entity shall:**

(1) **Have a governing board that includes one or more corporate directors who are independent of the fantasy sports contest operator and of any corporation controlled by the fantasy sports contest operator;**

(2) **Hold, at a minimum, the sum of all authorized player funds held in player accounts for use in fantasy sports contests;**

(3) **Reasonably protect the funds against claims of the operator's creditors other than the authorized players for whose benefit and protection the special purpose entity is established;**

(4) **Distribute funds only for the following purposes:**

(a) **For player account balance withdrawals or partial balance withdrawals made upon the specific request of the player;**

(b) **For income earned on the account, and owed to the fantasy sports operator, calculated as the**

remainder of all entry fees paid by users for fantasy sports contests minus all user winnings and cash bonuses paid or owed to users, payable to the fantasy sports contest operator;

(c) To the Missouri gaming commission in the event that the fantasy sports operator's license expires, is surrendered, or is otherwise revoked. The Missouri gaming commission may interplead the funds in the Cole County circuit court for distribution to the authorized players for whose protection and benefit the account was established and to other such persons as the court determines are entitled thereto, or shall take such other steps as necessary to effect the proper distribution of the funds, or may do both; or

(d) As authorized in writing in advance by any agreement approved by the Missouri gaming commission;

(5) Require a unanimous vote of all corporate directors to file bankruptcy;

(6) Obtain permission from the Missouri gaming commission prior to filing bankruptcy or entering into receivership;

(7) Have corporate governance requirements which prohibit commingling of funds with that of the fantasy sports contest operator except as necessary to reconcile the accounts of players with sums owed by those players to the fantasy sports contest operator;

(8) Be restricted from incurring debt other than to fantasy sports players under the rules that govern their accounts for contests;

(9) Be restricted from taking on obligations of the fantasy sports contest operator other than obligations to players under the rules that govern their accounts for contests; and

(10) Be prohibited from dissolving, merging, or consolidating with another company without the written approval of the Missouri gaming commission while there are unsatisfied obligations to fantasy sports contest players.

5. The commission, at its discretion, may approve other commercially reasonable approaches to segregation of funds so long as they adequately protect Missouri player accounts.

6. A licensed operator shall establish procedures for a registered player to report complaints to the licensed operator regarding whether his or her account has been misallocated, compromised, or otherwise mishandled, and a procedure for the licensed operator to respond to those complaints. [5.] 7. A registered player who believes his or her account has been misallocated, compromised, or otherwise mishandled should notify the commission. Upon notification, the commission may investigate the claim and may take any action the commission deems appropriate under subdivision (4) of section 313.950.

[6.] 8. A licensed operator shall not issue credit to a registered player.

[7.] 9. A licensed operator shall not allow a registered player to establish more than one account or user name on its authorized internet website.

313.917. 1. If a licensed operator believes in good faith that a registered player engaged in either fraudulent conduct or other conduct that would put the licensed operator in violation of sections 313.900 to 313.955, the licensed operator may delay payment of any prize won by such player for up to fifteen days while the licensed operator investigates to determine if any such conduct occurred; provided that, the licensed operator provides notice of the nature of the investigation to the registered

**player. If the licensed operator finds that the registered player has engaged in either fraudulent conduct or other conduct that would put the licensed operator in violation of sections 313.900 to 313.955, the licensed operator may refuse to pay out the prize to the registered player if the licensed operator informs the registered player in writing of the reason for nullification of the prize, that the player has the right to request an investigation by the commission within thirty days, and of the contact information for the commission.**

**2. The commission shall establish a process to investigate any case referred to it under subsection 1 of this section and issue determinations on a case-by-case basis. The commission shall notify the licensed operator and the registered player of its determination and either party may, within thirty days, appeal such determination to the administrative hearing commission as provided under section 621.047.**

**3. If a licensed operator delays or withholds payment of a prize under the provisions of this section, such licensed operator shall pay any prizes won by other registered players in the contest as though the contested payment will be awarded to the registered player under investigation. If, after final determination, the contested payment is not awarded, all other winning registered players in the contest shall have their prizes adjusted accordingly.**

313.920. 1. A person shall register with a licensed operator prior to participating in fantasy sports contests on an authorized internet website.

2. A licensed operator shall implement appropriate security standards to prevent access to fantasy sports contests by a person whose location and age have not been verified in accordance with this section.

3. A licensed operator shall ensure that all individuals register before participating in a fantasy sports contest on an authorized internet website and provide their age and state of residence. 4. A licensed operator shall ensure that an individual is of legal age before participating in a fantasy sports contest [on an authorized internet website]. In Missouri, the legal age to participate shall be eighteen years of age.

5. (1) The licensed operator shall develop an online self-exclusion form and a process to exclude from play any person who has filled out the form.

(2) A licensed operator shall retain each online self-exclusion form submitted to it in order to identify persons who want to be excluded from play. A licensed operator shall exclude those persons.

(3) A licensed operator shall provide a link on its authorized internet website to a compulsive behavior website and the online self-exclusion form described in subdivision (1) of this subsection.

6. A licensed operator shall not advertise fantasy sports contests in publications or other media that are aimed exclusively or primarily at persons less than eighteen years of age. A licensed operator's advertisement shall not depict persons under eighteen years of age, students, or settings involving a school or college. However, incidental depiction of nonfeatured minors shall not be a violation of this subsection.

7. A licensed operator shall not advertise fantasy sports contests to an individual by phone, email, or any other form of individually targeted advertisement or marketing material if the individual has self-excluded himself or herself pursuant to this section or if the individual is otherwise barred from participating in fantasy sports contests. A licensed operator shall also take reasonable steps to ensure that individuals on the involuntary exclusion list or disassociated persons list maintained by the commission are not subject to any form of individually targeted advertising or marketing.

8. A licensed operator shall not misrepresent the frequency or extent of winning in any fantasy sports contest advertisement.

9. A licensed operator shall clearly and conspicuously publish and facilitate parental control procedures to allow parents or guardians to exclude minors from access to any fantasy sports contest. Licensed operators shall take commercially reasonable steps to confirm that an individual opening an account is not a minor.

10. Licensed operators shall prohibit the use of scripts in fantasy sports contests that give players an unfair advantage over other players.

11. Licensed operators shall monitor fantasy sports contests to detect the use of unauthorized scripts and restrict players found to have used such scripts from further fantasy sports contests.

12. Licensed operators shall make all authorized scripts readily available to all fantasy sports players; provided, that a licensed operator shall clearly and conspicuously publish its rules on what types of scripts may be authorized in the fantasy sports contest.

13. Licensed operators shall clearly and conspicuously identify highly experienced players in fantasy sports contests by a symbol attached to a player's username, or by other easily visible means, on the licensed operator's authorized internet website.

14. Licensed operators shall offer some fantasy sports contests open only to beginner players and that exclude highly experienced players.

313.925. 1. This section applies to all of the following persons:

- (1) An officer of a licensed operator;
- (2) A director of a licensed operator;
- (3) A principal of a licensed operator;
- (4) An employee of a licensed operator; and
- (5) A contractor of a licensed operator with proprietary or nonpublic information.

2. A person listed in subsection 1 of this section shall not play **in** any fantasy sports contest [outside of private fantasy sports contests offered by the licensed operator exclusively for those listed] **offered by any fantasy sports contest operator that is open to the public.**

3. A person listed in subsection 1 of this section shall not disclose proprietary or nonpublic information that may affect the play of fantasy sports contests to any individual authorized to play fantasy sports contests.

4. A licensed operator shall make the prohibitions in this section known to all affected individuals and corporate entities.

313.935. 1. No fantasy sports contest operator shall offer any fantasy sports contest in Missouri without first being licensed by the commission. A fantasy sports contest operator wishing to offer fantasy sports contests in this state shall [annually] apply to the commission for a license and shall remit to the commission an [annual] application fee of ten thousand dollars or ten percent of the applicant's net revenue from the previous calendar year, whichever is lower.

2. As part of the commission's investigation and licensing process, the commission may conduct an

investigation of the fantasy sports contest operator's employees, officers, directors, trustees, and principal salaried executive staff officers. The applicant shall be responsible for the [total] cost of the investigation **up to ten thousand dollars**. If the cost of the investigation exceeds the application fee, the applicant shall remit **such cost** to the commission [the total cost of the investigation] prior to any license being issued. [The total cost of the investigation, paid by the applicant, shall not exceed fifty thousand dollars.] **An applicant may apply for, and the commission may grant, based on a showing of undue burden, a waiver of all or a portion of the cost of the investigation.** All revenue received under this section shall be placed into the gaming commission fund created under section 313.835. **The investigation set forth in this paragraph does not apply to a renewal of a license.**

3. (1) A fantasy sports contest operator with net revenues of two million dollars or more from the previous calendar year shall be required to submit an annual license renewal fee of five thousand dollars by November first of each subsequent calendar year. A fantasy sports contest operator with net revenues of less than two million dollars but greater than one million dollars from the previous calendar year shall be required to submit an annual license renewal fee of two thousand five hundred dollars by November first of each subsequent calendar year. A fantasy sports contest operator with net revenues equal to or less than one million dollars but greater than two hundred fifty thousand dollars shall submit an annual license renewal fee of one thousand dollars by November first of each subsequent calendar year. A fantasy sports contest operator with net revenues of two hundred fifty thousand dollars or less from the previous calendar year shall not be required to submit an annual license renewal fee. On the anniversary date of the payment made under subsection 1, a licensed operator shall submit to the commission a notice of license renewal describing any material changes to the operator's compliance with the consumer protections set forth in sections 313.915, 313.920, and 313.925 together with the license renewal fee required under this subsection. A license is renewed upon submission of the notice and payment of the appropriate renewal fee.

(2) In addition to the [application] **license renewal** fee, a licensed operator shall also pay an annual operation fee[, on April fifteenth of each year,] in a sum equal to [eleven and one-half] **six** percent of the licensed operator's net revenue from the previous calendar year. All revenue collected under this subsection shall be placed in the gaming proceeds for education fund created under section 313.822. If a licensed operator fails to **apply for a license renewal or** pay the annual operation fee [by April fifteenth, the licensed operator shall have its license immediately suspended by], the commission **may suspend the license of such licensed operator** until such payment is made.

4. Any fantasy sports contest operator already operating in the state prior to April 1, 2016, may operate until they have received or have been denied a license. Such fantasy sports contest operators shall apply for a license prior to October 1, 2016. Any fantasy sports contest operator operating under this subsection after August 28, 2016, shall pay the annual operation fee of eleven and one-half percent of its net revenue from August 28, 2016, until action is taken on its application. If a **licensed** fantasy sports contest operator fails to pay its **annual** operation fee by [April 15, 2017] **November 1, 2019**, the **commission may suspend the license or deny the pending license application of such** fantasy sports contest operator [shall have its license immediately suspended by the commission, or if the fantasy sports contest operator has a pending application, its application shall be denied immediately].

5. If a **licensed** fantasy sports contest operator ceases to offer fantasy sports contests in Missouri, the operator shall pay an operation fee equal to [eleven and one-half] **six** percent of its net revenue for the period of the calendar year in which it offered fantasy sports contests in Missouri **by November first of the**

**subsequent calendar year.** [Such payment shall be made within sixty days of the last day the fantasy sports contest operator offered fantasy sports contests in Missouri. After the expiration of sixty days, a penalty of five hundred dollars per day shall be assessed against the fantasy sports contest operator until the operation fee and any penalty is paid in full.]

313.945. 1. Notwithstanding any applicable statutory provision to the contrary, all investigatory, proprietary, or application records, information, and summaries in the possession of the commission or its agents [may] **shall** be treated by the commission as closed records not to be disclosed to the public; except that the commission shall, on written request from any person, provide such person with the following information furnished by an applicant or licensee:

(1) The name, business address, and business telephone number of any applicant or licensee;

(2) An identification of any applicant or licensee, including, if an applicant or licensee is not an individual, the state of incorporation or registration, the corporate officers, and the identity of all shareholders or participants. If an applicant or licensee has a pending registration statement filed with the federal Securities and Exchange [Division] **Commission**, the names of those persons or entities holding interest shall be provided;

(3) An identification of any business, including, if applicable, the state of incorporation or registration in which an applicant or licensee or an applicant's or licensee's spouse or children have an equity interest. If an applicant or licensee is a corporation, partnership, or other business entity, the applicant or licensee shall identify any other corporation, partnership, or business entity in which it has an equity interest, including, if applicable, the state of incorporation or registration. This information need not be provided by a corporation, partnership, or other business entity that has a pending registration statement filed with the federal Securities and Exchange [Division] **Commission**;

(4) Whether an applicant or licensee has been indicted, convicted, pleaded guilty or nolo contendere, or forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or misdemeanor, except for traffic violations, including the date, the name and location of the court, arresting agency and prosecuting agency, the case number, the offense, the disposition, and the location and length of incarceration;

(5) Whether an applicant or licensee has had any license or certificate issued by a licensing authority in this state or any jurisdiction denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each such action was taken, and the reason for each such action;

(6) Whether an applicant or licensee has ever filed or had filed against it a proceeding in bankruptcy or has ever been involved in any formal process to adjust, defer, suspend, or otherwise work out the payment of any debt, including the date of filing, the name and location of the court, and the case and number of the disposition;

(7) Whether an applicant or licensee has filed or been served with a complaint or other notice filed with any public body regarding the delinquency in the payment of, or a dispute over, the filings concerning the payment of any tax required under federal, state, or local law, including the amount, type of tax, the taxing agency, and time periods involved;

(8) A statement listing the names and titles of all public officials or officers of any unit of government,

and relatives of such public officials or officers who, directly or indirectly, own any financial interest in, have any beneficial interest in, are the creditors of or hold any debt instrument issued by, or hold or have any interest in any contractual or service relationship with, an applicant or licensee;

(9) The name and business telephone number of the attorney representing an applicant or licensee in matters before the commission.

2. Notwithstanding any applicable statutory provision to the contrary, the commission shall, on written request from any person, also provide the following information:

(1) The amount of the tax receipts paid to the state by the holder of a license;

(2) Whenever the commission finds an applicant for a license unsuitable for licensing, a copy of the written letter outlining the reasons for the denial; and

(3) Whenever the commission has refused to grant leave for an applicant to withdraw his application, a copy of the letter outlining the reasons for the refusal.

313.950. The commission [shall have full jurisdiction over and] shall supervise all licensed operators, other licensees, and authorized internet websites governed by sections 313.900 to 313.955. The commission shall have the following powers to implement sections 313.900 to 313.955:

(1) To investigate applicants;

(2) To license fantasy sports contest operators and adopt standards for licensing;

(3) To investigate alleged violations of sections 313.900 to 313.955 or the commission's rules, orders, or final decisions;

(4) To assess an appropriate administrative penalty of not more than [ten] **one** thousand dollars per violation, not to exceed [one hundred] **ten** thousand dollars for violations arising out of the same transaction or occurrence, and take action including, but not limited to, the suspension or revocation of a license for violations of sections 313.900 to 313.955 or the commission's rules, orders, or final decisions;

(5) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other pertinent documents, and to administer oaths and affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce sections 313.900 to 313.955 or the commission rules;

(6) To take any other action as may be reasonable or appropriate to enforce sections 313.900 to 313.955 and the commission rules.

313.955. 1. The commission shall have power to adopt and enforce rules and regulations:

(1) [To regulate and license the management, operation, and conduct of fantasy sports contests and participants therein;

(2)] To adopt responsible play protections for registered players; and

[(3)] **(2)** To properly administer and enforce the provisions of sections 313.900 to 313.955.

2. The commission shall not adopt rules or regulations limiting or regulating the rules or administration of an individual fantasy sports contest, the statistical makeup of a fantasy sports contest, or the digital platform of a fantasy sports contest operator.

3. No rule or portion of a rule promulgated under the authority of sections 313.900 to 313.955 shall



become effective unless it has been promulgated pursuant to the provisions of section 536.024.

**621.047. 1. Except as otherwise provided by law, any person or entity shall have the right to appeal to the administrative hearing commission from any finding, decision, or determination made by the Missouri gaming commission under section 313.917. Any person or entity who is a party to such a dispute shall be entitled to a hearing before the administrative hearing commission by the filing of a petition with the administrative hearing commission within thirty days after the decision of the Missouri gaming commission is placed in the United States mail or within thirty days after the decision is delivered, whichever is earlier. The decision of the Missouri gaming commission shall contain a notice of the right of appeal in substantially the following language:**

**“If you were adversely affected by this decision, you may appeal to the administrative hearing commission. To appeal, you must file a petition with the administrative hearing commission within thirty days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the commission.”**

**2. The procedures applicable to the processing of such hearings and determinations shall be those established by chapter 536. Decisions of the administrative hearing commission under this section shall be binding, subject to appeal by either party.”; and”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 87, Page 4, Section 143.1029, Line 32, by inserting after all of said section and line the following:

**“144.190. 1. If a tax has been incorrectly computed by reason of a clerical error or mistake on the part of the director of revenue, such fact shall be set forth in the records of the director of revenue, and the amount of the overpayment shall be credited on any taxes then due from the person legally obligated to remit the tax [pursuant to sections 144.010 to 144.525] under chapter 144, and the balance shall be refunded to the person legally obligated to remit the tax, such person’s administrators or executors, as provided for in section 144.200.**

**2. If any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax [pursuant to sections 144.010 to 144.525] under chapter 144, and the balance, with interest as determined by section 32.065, shall be refunded to the person legally obligated to remit the tax, but no such credit or refund shall be allowed unless duplicate copies of a claim for refund are filed within [three] ten years from date of overpayment.**

**3. Every claim for refund must be in writing and signed by the applicant, and must state the specific grounds upon which the claim is founded. Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered in any action brought by the director of revenue against the person legally obligated to remit the tax. In the event that a tax has been illegally imposed against a person legally obligated to remit the tax, the director of revenue shall authorize the cancellation of the tax upon the director’s record.**

4. Notwithstanding the provisions of section 32.057, a purchaser that originally paid sales or use tax to a vendor or seller may submit a refund claim directly to the director of revenue for such sales or use taxes paid to such vendor or seller and remitted to the director, provided no sum shall be refunded more than once, any such claim shall be subject to any offset, defense, or other claim the director otherwise would have against either the purchaser or vendor or seller, and such claim for refund is accompanied by either:

(1) A notarized assignment of rights statement by the vendor or seller to the purchaser allowing the purchaser to seek the refund on behalf of the vendor or seller. An assignment of rights statement shall contain the Missouri sales or use tax registration number of the vendor or seller, a list of the transactions covered by the assignment, the tax periods and location for which the original sale was reported to the director of revenue by the vendor or seller, and a notarized statement signed by the vendor or seller affirming that the vendor or seller has not received a refund or credit, will not apply for a refund or credit of the tax collected on any transactions covered by the assignment, and authorizes the director to amend the seller's return to reflect the refund; or

(2) In the event the vendor or seller fails or refuses to provide an assignment of rights statement within sixty days from the date of such purchaser's written request to the vendor or seller, or the purchaser is not able to locate the vendor or seller or the vendor or seller is no longer in business, the purchaser may provide the director a notarized statement confirming the efforts that have been made to obtain an assignment of rights from the vendor or seller. Such statement shall contain a list of the transactions covered by the assignment, the tax periods and location for which the original sale was reported to the director of revenue by the vendor or seller.

The director shall not require such vendor, seller, or purchaser to submit amended returns for refund claims submitted under the provisions of this subsection. Notwithstanding the provisions of section 32.057, if the seller is registered with the director for collection and remittance of sales tax, the director shall notify the seller at the seller's last known address of the claim for refund. If the seller objects to the refund within thirty days of the date of the notice, the director shall not pay the refund. If the seller agrees that the refund is warranted or fails to respond within thirty days, the director may issue the refund and amend the seller's return to reflect the refund. For purposes of section 32.069, the refund claim shall not be considered to have been filed until the seller agrees that the refund is warranted or thirty days after the date the director notified the seller and the seller failed to respond.

5. Notwithstanding the provisions of section 32.057, when a vendor files a refund claim on behalf of a purchaser and such refund claim is denied by the director, notice of such denial and the reason for the denial shall be sent by the director to the vendor and each purchaser whose name and address is submitted with the refund claim form filed by the vendor. A purchaser shall be entitled to appeal the denial of the refund claim within sixty days of the date such notice of denial is mailed by the director as provided in section 144.261. The provisions of this subsection shall apply to all refund claims filed after August 28, 2012. The provisions of this subsection allowing a purchaser to appeal the director's decision to deny a refund claim shall also apply to any refund claim denied by the director on or after January 1, 2007, if an appeal of the denial of the refund claim is filed by the purchaser no later than September 28, 2012, and if such claim is based solely on the issue of the exemption of the electronic transmission or delivery of computer software.

6. Notwithstanding the provisions of this section, the director of revenue shall authorize direct-pay agreements to purchasers which have annual purchases in excess of seven hundred fifty thousand dollars

pursuant to rules and regulations adopted by the director of revenue. For the purposes of such direct-pay agreements, the taxes authorized [pursuant to] **under** chapters 66, 67, 70, 92, 94, 162, 190, 238, 321, and 644 shall be remitted based upon the location of the place of business of the purchaser.

7. Special rules applicable to error corrections requested by customers of mobile telecommunications service are as follows:

(1) For purposes of this subsection, the terms “customer”, “home service provider”, “place of primary use”, “electronic database”, and “enhanced zip code” shall have the same meanings as defined in the Mobile Telecommunications Sourcing Act incorporated by reference in section 144.013;

(2) Notwithstanding the provisions of this section, if a customer of mobile telecommunications services believes that the amount of tax, the assignment of place of primary use or the taxing jurisdiction included on a billing is erroneous, the customer shall notify the home service provider, in writing, within three years from the date of the billing statement. The customer shall include in such written notification the street address for the customer’s place of primary use, the account name and number for which the customer seeks a correction of the tax assignment, a description of the error asserted by the customer and any other information the home service provider reasonably requires to process the request;

(3) Within sixty days of receiving the customer’s notice, the home service provider shall review its records and the electronic database or enhanced zip code to determine the customer’s correct taxing jurisdiction. If the home service provider determines that the review shows that the amount of tax, assignment of place of primary use or taxing jurisdiction is in error, the home service provider shall correct the error and, at its election, either refund or credit the amount of tax erroneously collected to the customer for a period of up to three years from the last day of the home service provider’s sixty-day review period. If the home service provider determines that the review shows that the amount of tax, the assignment of place of primary use or the taxing jurisdiction is correct, the home service provider shall provide a written explanation of its determination to the customer.

8. For all refund claims submitted to the department of revenue on or after September 1, 2003, notwithstanding any provision of this section to the contrary, if a person legally obligated to remit the tax levied [pursuant to sections 144.010 to 144.525] **under chapter 144** has received a refund of such taxes for a specific issue and submits a subsequent claim for refund of such taxes on the same issue for a tax period beginning on or after the date the original refund check issued to such person, no refund shall be allowed. This subsection shall not apply and a refund shall be allowed if the refund claim is filed by a purchaser under the provisions of subsection 4 of this section, the refund claim is for use tax remitted by the purchaser, or an additional refund claim is filed by a person legally obligated to remit the tax due to any of the following:

- (1) Receipt of additional information or an exemption certificate from the purchaser of the item at issue;
- (2) A decision of a court of competent jurisdiction or the administrative hearing commission; or
- (3) Changes in regulations or policy by the department of revenue.

9. Notwithstanding any provision of law to the contrary, the director of revenue shall respond to a request for a binding letter ruling filed in accordance with section 536.021 within sixty days of receipt of such request. If the director of revenue fails to respond to such letter ruling request within sixty days of receipt by the director, the director of revenue shall be barred from pursuing collection of any assessment of sales or use tax with respect to the issue which is the subject of the letter ruling request. For purposes of

this subsection, the term “letter ruling” means a written interpretation of law by the director to a specific set of facts provided by a specific taxpayer or his or her agent.

10. If any tax was paid more than once, was incorrectly collected, or was incorrectly computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax [pursuant to sections 144.010 to 144.510] **under chapter 144** against any deficiency or tax due discovered through an audit of the person by the department of revenue through adjustment during the same tax filing period for which the audit applied.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 7

Amend House Amendment No. 7 to House Committee Substitute for Senate Bill No. 87, Page 1 Line 4, by inserting immediately before the phrase “139.031.” on said line the following:

“67.1360. 1. The governing body of the following cities and counties may impose a tax as provided in this section:

- (1) A city with a population of more than seven thousand and less than seven thousand five hundred;
- (2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;
- (3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;
- (4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;
- (5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;
- (8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;
- (9) Any county of the second classification without a township form of government and a population of less than thirty thousand;
- (10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;

(11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;

(14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;

(15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(16) Any third class city with a population of more than three thousand eight hundred but less than four thousand inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(18) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred inhabitants;

(20) Any county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants;

(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(25) Any city of the fourth classification with more than two thousand six hundred but less than two thousand seven hundred inhabitants located in any county of the third classification without a township form of government and with more than fifteen thousand three hundred but less than fifteen thousand four hundred inhabitants;

(26) Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

(27) Any city of the fourth classification with more than five thousand four hundred but fewer than five thousand five hundred inhabitants and located in more than one county;

(28) Any city of the fourth classification with more than six thousand three hundred but fewer than six thousand five hundred inhabitants and located in more than one county through the creation of a tourism district which may include, in addition to the geographic area of such city, the area encompassed by the portion of the school district, located within a county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, having an average daily attendance for school year 2005-06 between one thousand eight hundred and one thousand nine hundred;

(29) Any city of the fourth classification with more than seven thousand seven hundred but less than seven thousand eight hundred inhabitants located in a county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants;

(30) Any city of the fourth classification with more than two thousand nine hundred but less than three thousand inhabitants located in a county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants;

(31) Any city of the third classification with more than nine thousand three hundred but less than nine thousand four hundred inhabitants;

(32) Any city of the fourth classification with more than three thousand eight hundred but fewer than three thousand nine hundred inhabitants and located in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants;

(33) Any city of the fourth classification with more than one thousand eight hundred but fewer than one thousand nine hundred inhabitants and located in any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants;

(34) Any county of the third classification without a township form of government and with more than twelve thousand one hundred but fewer than twelve thousand two hundred inhabitants;

(35) Any city of the fourth classification with more than three thousand eight hundred but fewer than four thousand inhabitants and located in more than one county; provided, however, that motels owned by not-for-profit organizations are exempt; [or]

(36) Any city of the fourth classification with more than five thousand but fewer than five thousand five

hundred inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants; **or**

**(37) Any city with more than four thousand but fewer than five thousand five hundred inhabitants and located in any county of the fourth classification with more than thirty thousand but fewer than forty-two thousand inhabitants.**

2. The governing body of any city or county listed in subsection 1 of this section may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns, and campgrounds and any docking facility [which] **that** rents slips to recreational boats [which] **that** are used by transients for sleeping, which shall be at least two percent[,] but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary, or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 87, Page 1, Section A, Line 2, by inserting after said section and line the following:

“139.031. 1. Any taxpayer may protest all or any part of any current taxes assessed against the taxpayer, except taxes collected by the director of revenue of Missouri. Any such taxpayer desiring to pay any current taxes under protest or while paying taxes based upon a disputed assessment shall, at the time of paying such taxes, make full payment of the current tax bill before the delinquency date and file with the collector a written statement setting forth the grounds on which the protest is based. The statement shall include the true value in money claimed by the taxpayer if disputed. An appeal before the state tax commission shall not be dismissed on the grounds that a taxpayer failed to file a written statement when paying taxes based upon a disputed assessment.

2. Upon receiving payment of current taxes under protest [pursuant to] **under** subsection 1 of this section or upon receiving from the state tax commission or the circuit court notice of an appeal from the state tax commission or the circuit court [pursuant to] **under** section 138.430, along with full payment of the current tax bill before the delinquency date, the collector shall disburse to the proper official all portions of taxes not protested or not disputed by the taxpayer and shall impound in a separate fund all portions of such taxes which are protested or in dispute. Every taxpayer protesting the payment of current taxes under subsection 1 of this section shall, within ninety days after filing his protest, commence an action against the collector by filing a petition for the recovery of the amount protested in the circuit court of the county in which the collector maintains his office. If any taxpayer so protesting his taxes under subsection 1 of this section shall fail to commence an action in the circuit court for the recovery of the taxes protested within the time prescribed in this subsection, such protest shall become null and void and of no effect, and the collector shall then disburse to the proper official the taxes impounded, and any interest earned thereon, as provided above in this subsection.

3. No action against the collector shall be commenced by any taxpayer who has, effective for the current tax year, filed with the state tax commission or the circuit court a timely and proper appeal of the assessment of the taxpayer's property. The portion of taxes in dispute from an appeal of an assessment shall be impounded in a separate fund and the commission in its decision and order issued [pursuant to] **under** chapter 138 or the circuit court in its judgment may order all or any part of such taxes refunded to the taxpayer, or may authorize the collector to release and disburse all or any part of such taxes.

4. Trial of the action for recovery of taxes protested under subsection 1 of this section in the circuit court shall be in the manner prescribed for nonjury civil proceedings, and, after determination of the issues, the court shall make such orders as may be just and equitable to refund to the taxpayer all or any part of the current taxes paid under protest, together with any interest earned thereon, or to authorize the collector to release and disburse all or any part of the impounded taxes, and any interest earned thereon, to the appropriate officials of the taxing authorities. Either party to the proceedings may appeal the determination of the circuit court.

5. All the county collectors of taxes, and the collector of taxes in any city not within a county, shall, upon written application of a taxpayer, refund or credit against the taxpayer's tax liability in the following taxable year and subsequent consecutive taxable years until the taxpayer has received credit in full for any real or personal property tax mistakenly or erroneously levied against the taxpayer and collected in whole or in part by the collector. Such application shall be filed within three years after the tax is mistakenly or erroneously paid. The governing body, or other appropriate body or official of the county or city not within a county, shall make available to the collector funds necessary to make refunds under this subsection by issuing warrants upon the fund to which the mistaken or erroneous payment has been credited, or otherwise.

6. No taxpayer shall receive any interest on any money paid in by the taxpayer erroneously.

7. All protested taxes impounded under protest under subsection 1 of this section and all disputed taxes impounded under notice as required by section 138.430 shall be invested by the collector in the same manner as assets specified in section 30.260 for investment of state moneys. A taxpayer who is entitled to a refund of protested or disputed taxes shall also receive the interest earned on the investment thereof. If the collector is ordered to release and disburse all or part of the taxes paid under protest or dispute to the proper official, such taxes shall be disbursed along with the proportional amount of interest earned on the investment of the taxes due the particular taxing authority.

8. Any taxing authority may request to be notified by the county collector of current taxes paid under protest. Such request shall be in writing and submitted on or before February first next following the delinquent date of current taxes paid under protest or disputed, and the county collector shall provide such information on or before March first of the same year to the requesting taxing authority of the taxes paid under protest and disputed taxes which would be received by such taxing authority if the funds were not the subject of a protest or dispute. Any taxing authority may apply to the circuit court of the county or city not within a county in which a collector has impounded protested or disputed taxes under this section and, upon a satisfactory showing that such taxing authority would receive such impounded tax funds if they were not the subject of a protest or dispute and that such taxing authority has the financial ability and legal capacity to repay such impounded tax funds in the event a decision ordering a refund to the taxpayer is subsequently made, the circuit court shall order, pendente lite, the disbursement of all or any part of such impounded tax funds to such taxing authority. The circuit court issuing an order under this subsection shall retain jurisdiction of such matter for further proceedings, if any, to compel restitution of such tax funds to the taxpayer. In the



event that any protested or disputed tax funds refunded to a taxpayer were disbursed to a taxing authority under this subsection instead of being held and invested by the collector under subsection 7 of this section, [such taxing authority shall pay the taxpayer entitled to the refund of such protested or disputed taxes the same amount of interest, as determined by the circuit court having jurisdiction in the matter, such protested or disputed taxes would have earned if they had been held and invested by the collector] **the taxpayer shall be entitled to interest on all refunded tax funds at the annual rate calculated by the state treasurer and applied by the director of revenue under section 32.068. This measure of interest shall only apply to protested or disputed tax funds actually distributed to a taxing authority pursuant to this subsection. In the event of a refund of protested or disputed tax funds which remain impounded by the collector, the taxpayer shall instead be entitled to the interest actually earned on those refunded impounded tax funds under subsection 7 of this section. Any sovereign or official immunity otherwise applicable to the taxing authorities is hereby waived for all purposes related to this subsection, and the taxpayer is expressly authorized to seek an order enforcing this provision from the circuit court that originally ordered the distribution of the protested or disputed funds, or directly from the state tax commission, if the tax appeal that resulted in the refund was heard and determined by the state tax commission.**

9. No appeal filed from the circuit court's or state tax commission's determination pertaining to the amount of refund shall stay any order of refund, but the decision filed by any court of last review modifying that determination shall be binding on the parties, and the decision rendered shall be complied with by the party affected by any modification within ninety days of the date of such decision. No taxpayer shall receive any interest on any additional award of refund, and the collector shall not receive any interest on any ordered return of refund in whole or in part.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 5**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 6**.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 36**, as amended: Senators Riddle, White, Hough, Sifton and Arthur.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 54**, as amended: Senators Crawford, Wieland, Burlison, Walsh and Sifton.

### **INTRODUCTIONS OF GUESTS**

Senator Schupp introduced to the Senate, Ryan and Laci McClelland, and their children, Milli and

Pierce; and Hayley Cooper and her children, Mac and Miles, Kansas City; and Milli, Pierce, Mac and Miles were made honorary pages.

Senator Schupp introduced to the Senate, the Physician of the Day, Dr. Edmond Cabbabe, St. Louis.

On motion of Senator Rowden, the Senate adjourned until 12:00 noon, Thursday, May 16, 2019.

## SENATE CALENDAR

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SIXTY-EIGHTH DAY—THURSDAY, MAY 16, 2019

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## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HB 1006-Rehder

### THIRD READING OF SENATE BILLS

SCS for SB 465-Burlison (In Fiscal Oversight)

SB 255-Bernskoetter

### SENATE BILLS FOR PERFECTION

- |                               |                                  |
|-------------------------------|----------------------------------|
| 1. SB 430-Libla               | 17. SB 286-Hough                 |
| 2. SB 186-Hegeman             | 18. SB 325-Crawford, with SCS    |
| 3. SB 302-Wallingford         | 19. SBs 8 & 74-Emery, with SCS   |
| 4. SB 347-Burlison            | 20. SB 386-O'Laughlin, with SCS  |
| 5. SB 439-Brown               | 21. SB 272-Emery, with SCS       |
| 6. SB 303-Riddle, with SCS    | 22. SB 265-Luetkemeyer, with SCS |
| 7. SB 376-Riddle              | 23. SB 135-Sifton, with SCS      |
| 8. SB 82-Cunningham, with SCS | 24. SB 342-Curls and Nasheed     |
| 9. SB 161-Cunningham          | 25. SB 424-Luetkemeyer           |
| 10. SB 144-Burlison, with SCS | 26. SB 367-Burlison              |
| 11. SJR 20-Koenig, with SCS   | 27. SB 22-Nasheed, with SCS      |
| 12. SB 208-Wallingford        | 28. SJR 25-Libla, with SCS       |
| 13. SB 189-Crawford, with SCS | 29. SB 140-Koenig, with SCS      |
| 14. SB 385-Bernskoetter       | 30. SJR 21-May                   |
| 15. SB 409-Wieland, et al     | 31. SB 308-Onder                 |
| 16. SB 437-Hoskins            |                                  |

## HOUSE BILLS ON THIRD READING

1. HB 485-Dogan, with SCS (Emery)  
(In Fiscal Oversight)
2. HB 214-Trent (Hough)
3. HCS for HB 1088 (Hoskins)
4. HB 355-Plocher, with SCS (Wallingford)
5. HCS for HB 160, with SCS (White)
6. HB 584-Knight, with SCS (Wallingford)
7. HB 599-Bondon, with SCS (Cunningham)
8. HB 1029-Bondon (Brown)
9. HB 257-Stephens (Sater)
10. HB 563-Wiemann (Wallingford)
11. HCS for HB 266, with SCS (Hoskins)
12. HCS for HB 959, with SCS (Cierpiot)
13. HCS for HB 333, with SCS (Crawford)
14. HB 461-Pfautsch (Brown)
15. HCS for HB 824 (Hoskins)
16. HB 587-Rone (Crawford)
17. HCS for HB 346 (Wallingford)
18. HB 1061-Patterson (Hoskins)
19. HB 470-Grier, with SCS (O'Laughlin)
20. HB 186-Trent, with SCS (Burlison)
21. HCS for HB 466, with SCS (Riddle)  
(In Fiscal Oversight)
22. HCS for HB 229, with SCS (Wallingford)
23. HB 646-Rowland (Sater)
24. HCS for HBs 161 & 401, with SCS  
(Cunningham)
25. HB 321-Solon (Luetkemeyer)
26. HCS for HB 67, with SCS (Luetkemeyer)
27. HB 240-Schroer, with SCS (Luetkemeyer)
28. HB 337-Swan (Wallingford)
29. HB 267-Baker (Emery)
30. HB 757-Bondon (Wieland)
31. HB 942-Wiemann (Brown)
32. HB 815-Black (137) (Hough)
33. HB 705-Helms, with SCS (Riddle)
34. HCS for HB 301, with SCS (Burlison)
35. HB 600-Bondon (Cunningham)
36. HB 943-McGill (Hoskins)
37. HB 372-Trent (Wallingford)
38. HCS for HB 438 (Brown)
39. HCS for HB 1127 (Riddle)
40. HCS for HB 400 (White)
41. HB 966-Gregory (Onder)
42. HB 1062-Hansen, with SCS (Hoskins)
43. HJR 54-Plocher (Walsh) (In Fiscal Oversight)
44. HB 191 & HB 873-Kolkmeier, with SCS  
(Hoskins)
45. HCS#2 for HB 626 (Brown)  
(In Fiscal Oversight)
46. HCS for HB 207 (White) (In Fiscal Oversight)
47. HB 756-Pfautsch (Schupp)
48. HB 83-Hill (O'Laughlin)
49. HB 758-Bondon, with SCS (Onder)  
(In Fiscal Oversight)
50. HCS for HJRs 48, 46 & 47 (Rowden)  
(In Fiscal Oversight)
51. HCS for HB 937, with SCS (Wieland)
52. HCS for HB 703, with SCS (Luetkemeyer)
53. HB 761-Pfautsch, with SCS (Cierpiot)
54. HCS for HB 844 (Sater)
55. HB 637-Shawan, with SCS (Eigel)  
(In Fiscal Oversight)
56. HB 1237-Fitzwater, with SCS (Bernskoetter)  
(In Fiscal Oversight)
57. HCS for HB 700, with SCS (Cunningham)
58. HCS for HBs 746 & 722 (Cunningham)
59. HCS for HB 842 (Bernskoetter)
60. HB 523-Roden, with SCS (Wieland)

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 4-Sater

SB 5-Sater, et al, with SCS

SB 10-Cunningham, with SCS &  
SA 1 (pending)  
SB 14-Wallingford  
SB 16-Romine, with SCS, SS for SCS,  
SA 3 & point of order (pending)  
SB 19-Libla, with SA 1 (pending)  
SB 31-Wieland  
SB 39-Onder  
SB 44-Hoskins, with SCS &  
SS#3 for SCS (pending)  
SBs 46 & 50-Koenig, with SCS, SS for SCS  
& SA 6 (pending)  
SB 49-Rowden, with SCS  
SB 52-Eigel, with SCS  
SB 56-Cierpiot, with SCS, SS for SCS &  
SA 1 (pending)  
SB 57-Cierpiot  
SB 62-Burlison, with SCS  
SB 65-White, with SS (pending)  
SB 69-Hough  
SB 76-Sater, with SCS (pending)  
SB 78-Sater  
SB 97-Hegeman, with SCS  
SB 100-Riddle, with SS (pending)  
SB 118-Cierpiot, with SCS  
SB 132-Emery, with SCS  
SB 141-Koenig  
SB 150-Koenig, with SCS  
SBs 153 & 117-Sifton, with SCS  
SB 154-Luetkemeyer, with SS &  
SA 2 (pending)  
SB 155-Luetkemeyer  
SB 160-Koenig, with SCS, SS for SCS &  
SA 2 (pending)  
SB 168-Wallingford, with SCS  
SB 201-Romine

SB 205-Arthur, with SCS  
SB 211-Wallingford  
SB 222-Hough  
SB 225-Curls  
SB 234-White  
SB 252-Wieland, with SCS  
SB 259-Romine, with SS & SA 3 (pending)  
SB 276-Rowden, with SCS  
SB 278-Wallingford, with SCS  
SBs 279, 139 & 345-Onder, with SCS,  
SS for SCS, SA 1 & SA 1 to SA 1 (pending)  
SB 292-Eigel, with SCS &  
SS#2 for SCS (pending)  
SB 293-Hough, with SCS  
SB 296-Cierpiot, with SCS  
SB 298-White, with SCS  
SB 300-Eigel  
SB 312-Eigel  
SB 316-Burlison  
SB 318-Burlison  
SB 328-Burlison, with SCS  
SB 332-Brown  
SB 336-Schupp  
SB 343-Eigel, with SCS  
SB 344-Eigel, with SCS  
SB 349-O'Laughlin, with SCS  
SB 350-O'Laughlin  
SB 354-Cierpiot, with SCS  
SB 412-Holsman  
SB 426-Williams  
SB 431-Schatz, with SCS  
SJR 1-Sater and Onder, with SS#2 &  
SA 1 (pending)  
SJR 13-Holsman, with SCS, SS for SCS &  
SA 1 (pending)  
SJR 18-Cunningham

#### HOUSE BILLS ON THIRD READING

HB 113-Smith, with SCS (Emery)

HCS for HB 169, with SCS (Romine)

HB 188-Rehder (Luetkemeyer)  
HCS for HB 225, with SCS, SS for SCS &  
SA 1 (pending) (Romine)  
HCS for HBs 243 & 544, with SCS (Arthur)  
HCS for HB 255, with SS &  
SA 5 (pending) (Cierpiot)  
HB 332-Lynch, with SCS (Wallingford)

HCS for HB 469 (Wallingford)  
SCS for HCS for HB 547 (Bernskoetter)  
HCS for HB 564, with SCS (Koenig)  
HCS for HB 604, with SCS &  
SS for SCS (pending) (Hoskins)  
HCS for HB 678, with SCS (Williams)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 28-Hegeman, with HCS,  
as amended  
SB 87-Wallingford, with HCS  
SCS for SB 131-Emery, with HCS, as amended  
SCS for SB 184-Wallingford with HA 1,  
HA 2, HA 3, HA 4, as amended & HA 5  
SB 204-Riddle, with HCS, as amended  
SS for SB 210-May, with HCS, as amended

SS for SB 306-White, with HA 1, HA 2 & HA 3  
SCS for SB 330-Brown, with HA 1, HA 2,  
HA 3, as amended & HA 4  
SB 358-Sater, with HA 1, HA 2, HA 3, HA 4,  
HA 5, HA 6, HA 7, HA 8, HA 9,  
HA 10, as amended, HA 11, HA 12, HA 13,  
HA 14, HA 15, HA 16, HA 17, HA 18,  
HA 19, as amended, HA 20 & HA 21

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

SB 17-Romine, with HA 1, HA 2, HA 3,  
HA 4 & HA 5  
SB 36-Riddle, with HCS, as amended  
SB 53-Crawford, with HCS, as amended  
SB 54-Crawford, with HCS, as amended  
SCS for SB 83-Cunningham, with HA 1 &  
HA 2, as amended  
SCS for SB 147-Sater, with HCS, as amended  
SB 182-Cierpiot, et al, with HCS, as amended

SB 202-Romine, with HCS, as amended  
SS for SCS for SB 230-Crawford, with HA 1,  
HA 2, HA 3, as amended, HA 4, HA 5 & HA 6  
SB 368-Hough, with HA 1, HA 2, HA 3, HA 4,  
HA 5, HA 6, HA 7 & HA 8  
(Senate adopted CCR and passed CCS)  
HCS for HB 397, with SS for SCS, as amended  
(Riddle)  
(House adopted CCR and passed CCS)

##### Requests to Recede or Grant Conference

SCS for SB 174-Crawford, with HCS, as amended  
(Senate requests House recede or grant  
conference)

HCS#2 for HB 499, with SS (Schatz)  
(House requests Senate recede or grant  
conference)

## RESOLUTIONS

SR 20-Holsman

SR 731-Hoskins

## Reported from Committee

SCR 8-Holsman

SCR 15-Burlison

SCR 19-Eigel

SCR 21-May

SCR 22-Holsman

SCR 23-Luetkemeyer

SCR 24-Hegeman and Luetkemeyer

SCR 26-Bernskoetter

HCR 6-Chipman (Brown)

HCS for HCR 16 (Hoskins)

HCR 18-Spencer (Eigel)

HCR 34-Riggs (Curls)

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# Journal of the Senate

FIRST REGULAR SESSION

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**SIXTY-EIGHTH DAY—THURSDAY, MAY 16, 2019**

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The Senate met pursuant to adjournment.

Senator Hough in the Chair.

Reverend Carl Gauck offered the following prayer:

“Relieve the troubles of my heart, and bring me out of my distress.” (Psalm 25:17)

Heavenly Father, we know that You assure us that we can endure all things because of Your willingness to take the stress we are experiencing on Yourself. You have taught us to cast all our troubles on You so that we are relieved of carrying these burdens all by ourselves for You are there to help us. No matter what the stressful moments we go through this day we are aware of Your love and care for us for which we give You thanks and praise. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Rowden announced photographers from St. Louis Public Radio were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Riddle offered Senate Resolution No. 951, regarding Corrections Officer I Mason Housman, Vandalia, which was adopted.

Senator Riddle offered Senate Resolution No. 952, regarding Corrections Officer I Matthew Brady, Louisiana, which was adopted.

Senator Riddle offered Senate Resolution No. 953, regarding Maintenance Supervisor I Christopher Gray, Louisiana, which was adopted.

Senator Riddle offered Senate Resolution No. 954, regarding Lieutenant Quinten Pasley, Bowling Green, which was adopted.

Senator Riddle offered Senate Resolution No. 955, regarding Corrections Case Manager II Lisa Bledsoe, New Florence, which was adopted.

Senator Riddle offered Senate Resolution No. 956, regarding Sergeant Larry Hale, Vandalia, which was adopted.

Senator Riddle offered Senate Resolution No. 957, regarding Angelica Boyd, Vandalia, which was adopted.

Senator Riddle offered Senate Resolution No. 958, regarding Sergeant Sonny Orbin, Vandalia, which was adopted.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 185**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 213**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 138**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 414**.

Bill ordered enrolled.



Emergency clause defeated.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 13**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 4**.

Concurrent Resolution enrolled.

President Kehoe assumed the Chair.

### PRIVILEGED MOTIONS

Senator Riddle, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 397**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 397

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 397, with Senate Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 397, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 397;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 397 be Third Read and Finally Passed.

#### FOR THE HOUSE:

/s/ Mary Elizabeth Coleman  
/s/ Travis Fitzwater  
David Wood  
/s/ Tracy McCreery  
/s/ Sarah Unsicker

#### FOR THE SENATE:

/s/ Jeanie Riddle  
/s/ Justin Brown  
/s/ David Sater  
/s/ Jill Schupp  
/s/ Gina Walsh

Senator Riddle moved that the above conference committee report be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough

Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Riddle, **CCS** for **SS** for **SCS** for **HCS** for **HB 397**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 397

An Act to repeal sections 208.044, 208.151, 210.025, 210.192, 210.194, 210.195, 210.201, 210.211, 210.221, 210.245, 210.252, 210.254, 210.565, 210.1014, 210.1080, 452.377, 454.507, 454.600, 454.603, 513.430, 566.147, 567.020, 567.050, 578.421, 578.423, and 610.131, RSMo, and to enact in lieu thereof twenty-seven new sections relating to the protection of children, with penalty provisions and an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough

Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Cierpiot, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 182**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 182

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 182, with House Amendment No. 1, House Amendment No. 3 to House Amendment No. 2, and House Amendment No. 2 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 182, as amended;
2. That the Senate recede from its position on Senate Bill No. 182;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 182 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Mike Cierpiot  
/s/ Mike Cunningham  
/s/ Lincoln Hough  
/s/ Jason Holsman  
/s/ S. Kiki Curls

FOR THE HOUSE:

/s/ Jeff Coleman  
/s/ Jack Bondon  
/s/ J. Patterson  
/s/ Barbara Washington  
/s/ Keri Ingle

Senator Cierpiot moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
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Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Cierpiot, **CCS** for **HCS** for **SB 182**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 182

An Act to repeal section 135.1670, RSMo, and to enact in lieu thereof one new section relating to incentives for interstate business relocation.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Hegeman—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Cierpiot, title to the bill was agreed to.

Senator Cierpiot moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Romine, on behalf of the conference committee appointed to act with a like committee from the House on **SB 17**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE BILL NO. 17

The Conference Committee appointed on Senate Bill No. 17, with House Amendment Nos. 1, 2, 3, 4, and 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Bill No. 17, as amended;
2. That the Senate recede from its position on Senate Bill No. 17;
3. That the attached Conference Committee Substitute for Senate Bill No. 17, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Gary Romine  
/s/ Bob Onder  
/s/ Doug Libla  
/s/ Gina Walsh  
/s/ Karla May

FOR THE HOUSE:

/s/ Rusty Black  
/s/ Patricia Pike  
/s/ Barry D. Hovis  
/s/ Richard Brown  
/s/ Doug Clemens

Senator Romine moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Williams—32			

NAYS—Senator Koenig—1

Absent—Senators—None

Absent with leave—Senator Wieland—1

Vacancies—None

On motion of Senator Romine, **CCS** for **SB 17**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 17

An Act to repeal sections 70.600, 169.141, 169.560, 169.715, 215.030, and 260.035, RSMo, and to enact in lieu thereof seven new sections relating to public employee retirement systems, with an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
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Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Williams—32			

NAYS—Senator Koenig—1

Absent—Senators—None

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wieland—1

Vacancies—None

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Wallingford moved that the Senate refuse to concur in **HCS** for **SB 87**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Hegeman moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 28**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Riddle moved that the Senate refuse to concur in **HCS** for **SB 204**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Sater moved that the Senate refuse to concur in **HA 1**, **HA 2**, **HA 3**, **HA 4**, **HA 5**, **HA 6**, **HA 7**, **HA 8**, **HA 9**, **HA 1** to **HA 10**, **HA 10**, as amended, **HA 11**, **HA 12**, **HA 13**, **HA 14**, **HA 15**, **HA 16**, **HA 17**,

**HA 18, HA 1 to HA 19, HA 19**, as amended, **HA 20 and HA 21 to SB 358**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Schatz moved that the Senate refuse to recede from its position on **SS for HCS No. 2 for HB 499**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Crawford, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SB 54**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 54

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 54, with House Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 54, as amended;
2. That the Senate recede from its position on Senate Bill No. 54;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 54, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Sandy Crawford  
/s/ Paul Wieland  
/s/ Eric Burlison  
/s/ Gina Walsh  
/s/ Scott Sifton

FOR THE HOUSE:

/s/ Dave Muntzel  
/s/ Shane Roden  
/s/ Jeff Porter  
/s/ Doug Clemons  
/s/ Maria Chappelle-Nadal

Senator Crawford moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wieland—1

Vacancies—None

On motion of Senator Crawford, **CCS** for **HCS** for **SB 54**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 54

An Act to repeal sections 374.191, 382.010, and 382.230, RSMo, and to enact in lieu thereof four new sections relating to insurance companies.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Romine, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 202**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 202

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 202, with House Amendment Nos. 1, 2 & 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 202, as amended;
2. That the Senate recede from its position on Senate Bill No. 202;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill



No. 202 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Gary Romine  
 /s/ Doug Libla  
 /s/ Wayne Wallingford  
 /s/ Scott Sifton  
 /s/ Jason Holsman

FOR THE HOUSE:

/s/ Chris Dinkins  
 Jim Hansen  
 /s/ Jeff Shawan  
 /s/ Deb Lavender  
 /s/ Tracy McCreery

Senator Romine moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wieland—1

Vacancies—None

Senator Brown assumed the Chair.

On motion of Senator Romine, **CCS for HCS for SB 202**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
 HOUSE COMMITTEE SUBSTITUTE FOR  
 SENATE BILL NO. 202

An Act to amend chapter 256, RSMo, by adding thereto one new section relating to mining royalties on federal land.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

President Kehoe assumed the Chair.

Senator Sater, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 147**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 147

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147, with House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, House Amendment No. 1 to House Amendment No. 11, House Amendment No. 11 as amended, House Amendment No. 1 to House Amendment No. 12, House Amendment No. 12 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 147;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Sater  
/s/ Doug Libla  
/s/ Justin Brown  
/s/ Jason Holsman  
/s/ Brian Williams

FOR THE HOUSE:

/s/ Jered Taylor  
/s/ J Eggleston  
/s/ Shane Roden  
Gretchen Bangert  
Wes Rogers

Senator Sater moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bernskoetter

Brown

Burlison

Cierpiot

Crawford

Cunningham

Eigel

Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	O’Laughlin	Romine	Rowden	Sater	Wallingford—20	

NAYS—Senators

Arthur	Curls	May	Nasheed	Riddle	Rizzo	Schatz
Schupp	Sifton	Walsh	White	Williams—12		

Absent—Senator Onder—1

Absent with leave—Senator Wieland—1

Vacancies—None

Senator Hough assumed the Chair.

On motion of Senator Sater, **CCS** for **HCS** for **SCS** for **SB 147**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 147

An Act to repeal sections 32.056, 136.055, 144.070, 300.155, 301.010, 301.020, 301.030, 301.032, 301.067, 301.191, 302.020, 302.170, 302.341, 302.720, 302.768, 304.153, 304.281, and 307.350, RSMo, and to enact in lieu thereof twenty new sections relating to motor vehicles, with penalty provisions and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Eigel
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	O’Laughlin	Onder	Romine	Rowden	Sater	Wallingford—21

NAYS—Senators

Arthur	Curls	May	Nasheed	Riddle	Rizzo	Schatz
Schupp	Sifton	Walsh	White	Williams—12		

Absent—Senators—None

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

President Kehoe assumed the Chair.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS** for **HCS No. 2** for **HB 499**: Senators Schatz, Libla, Eigel, Curls and Williams.

### PRIVILEGED MOTIONS

Senator Cunningham, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **SB 83**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

### CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 83

The Conference Committee appointed on Senate Committee Substitute for Senate Bill No. 83, with House Amendment No. 1, House Amendment Nos. 1 and 2 to House Amendment No. 2, and House Amendment No. 2 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Committee Substitute for Senate Bill No. 83, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 83;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 83 be Third Read and Finally Passed.

#### FOR THE SENATE:

/s/ Mike Cunningham  
/s/ David Sater  
/s/ Jeanie Riddle  
/s/ Scott Sifton  
/s/ Jill Schupp

#### FOR THE HOUSE:

/s/ Robert Ross  
/s/ Holly Rehder  
/s/ David Evans  
/s/ Ian Mackey  
/s/ Gina Mitten

Senator Cunningham moved that the above conference committee report be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Williams—33		

#### NAYS—Senators—None

#### Absent—Senators—None

Absent with leave—Senator Wieland—1

Vacancies—None

On motion of Senator Cunningham, **CCS** for **SCS** for **SB 83**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 83

An Act to repeal sections 452.377, 452.402, 476.001, and 600.042, RSMo, and to enact in lieu thereof fifteen new sections relating to court proceedings.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Riddle, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 36**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 36

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 36, with House Amendment Nos. 1 & 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 36, as amended;

2. That the Senate recede from its position on Senate Bill No. 36;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 36, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Jeanie Riddle

/s/ Bill White

/s/ Lincoln Hough

/s/ Scott Sifton

/s/ Lauren Arthur

FOR THE HOUSE:

/s/ Robert Ross

/s/ Steve Helms

/s/ Hardy Billington

/s/ Richard Brown

/s/ Deb Lavender

Senator Riddle moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Crawford	Cunningham	Eigel
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Williams—31				

NAYS—Senator Curls—1

Absent—Senator Cierpiot—1

Absent with leave—Senator Wieland—1

Vacancies—None

Pursuant to Senate Rule 91, Senator Holsman recused himself from voting on the 3rd reading of CCS for HCS for SB 36.

On motion of Senator Riddle, CCS for HCS for SB 36, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 36

An Act to repeal section 339.190, RSMo, and to enact in lieu thereof two new sections relating to real estate.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Williams—31				

NAYS—Senators—None

Absent—Senator Cierpiot—1

Absent with leave—Senator Wieland—1

Excused from voting—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator May moved that **SS** for **SB 210**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SS** for **SB 210** was taken up.

Senator May moved that **HCS**, as amended for **SS** for **SB 210**, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Brown	Cierpiot	Crawford	Cunningham	Curls	Eigel
Holsman	Hoskins	Hough	Koenig	Libla	Luetkemeyer	May
Nasheed	O’Laughlin	Onder	Riddle	Rizzo	Romine	Rowden
Sater	Schatz	Schupp	Sifton	Wallingford	Walsh	White

Williams—29

NAYS—Senators

Bernskoetter	Burlison	Emery	Hegeman—4
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Absent—Senators—None

Absent with leave—Senator Wieland—1

Vacancies—None

On motion of Senator May, **HCS** for **SS** for **SB 210**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Brown	Cierpiot	Crawford	Cunningham	Curls	Eigel
Hegeman	Holsman	Hoskins	Hough	Koenig	Libla	Luetkemeyer
May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh

White Williams—30

## NAYS—Senators

Bernskoetter          Burlison          Emery—3

Absent—Senators—None

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

On motion of Senator May, title to the bill was agreed to.

Senator May moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator White moved that **SS** for **SB 306**, with **HA 1**, **HA 2** and **HA 3**, be taken up for 3rd reading and final passage, which motion prevailed.

**HA 1** was taken up.

Senator White moved that the above amendment be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Burlison	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Williams—31				

## NAYS—Senators—None

## Absent—Senators

Brown          Hegeman—2

Absent with leave—Senator Wieland—1

Vacancies—None

**HA 2** was taken up.

Senator White moved that the above amendment be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle



Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	White	Williams—31				

NAYS—Senators—None

Absent—Senators

Hegeman	Walsh—2
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Absent with leave—Senator Wieland—1

Vacancies—None

**HA 3** was taken up.

Senator White moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wieland—1

Vacancies—None

On motion of Senator White, **SS** for **SB 306**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

On motion of Senator White, title to the bill was agreed to.

Senator White moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

### **HOUSE BILLS ON THIRD READING**

**HB 113**, with **SCS**, introduced by Representative Smith (163), entitled:

An Act to amend chapter 558, RSMo, by adding thereto one new section relating to minimum terms of imprisonment.

Was taken up by Senator Emery.

**SCS** for **HB 113**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 113**

An Act to repeal section 211.071 as enacted by senate bill no. 793 merged with senate bill no. 800, ninety-ninth general assembly, second regular session, section 211.071 as enacted by house bill no. 215 merged with senate bill no. 36, ninety-seventh general assembly, first regular session, sections 217.195, 221.111, 337.068, 556.061, 558.019, and 567.050, RSMo, and to enact in lieu thereof thirteen new sections relating to public safety, with penalty provisions.

Was taken up.

Senator Emery moved that **SCS** for **HB 113** be adopted.

Senator Emery offered **SS** for **SCS** for **HB 113**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 113**

An Act to repeal sections 32.056, 43.540, 190.335, 195.140, 210.1014, 217.195, 221.111, 311.660, 311.710, 311.720, 313.004, 313.255, 337.068, 479.020, 479.353, 488.5050, 556.061, 558.019, 567.050, 572.010, 572.100, 610.021, and 650.035, RSMo, section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, section 211.071 as enacted by senate bill no. 793 merged with senate bill no. 800, ninety-ninth general assembly, second regular session, and section 211.071 as enacted by house bill no. 215 merged with senate bill no. 36, ninety-seventh general assembly, first regular session, and to enact in lieu thereof forty-three new sections relating to public safety, with penalty provisions and an emergency clause for certain sections.

Senator Emery moved that **SS** for **SCS** for **HB 113** be adopted.

Senator Williams offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 113, Page 94, Section 569.086, Line 5-10 by striking said lines and renumbering subsequent subsections accordingly.

Senator Williams moved that the above amendment be adopted, which motion prevailed.

Senator May offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 113, Page 70, Section 479.020, Line 17 of said page, by inserting after all of said line the following:

**“479.157. 1. Municipal courts shall be allowed to select and operate a case management system. The supreme court shall allow a two-way interface that supports integrated functions between the municipal court case management system and the Missouri state courts case management system.**

**2. The supreme court shall develop rules regarding the interface between the municipal court case management system and the Missouri state courts case management system.”; and**

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted.

Senator May offered SSA 1 for SA 2:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 113, Page 70, Section 479.020, Line 17 of said page, by inserting after all of said line the following:

**“479.157. 1. Municipal courts shall be allowed to select and operate a case management system. The supreme court shall allow a two-way interface that supports integrated functions between the municipal court case management system and the Missouri state courts case management system.**

**2. The supreme court shall develop rules regarding the interface between the municipal court case management system and the Missouri state courts case management system.**

**3. The cost of any interface allowed pursuant to this section shall be covered by a nonstate entity.”; and**

Further amend the title and enacting clause accordingly.

Senator May moved that the above substitute amendment be adopted.

At the request of Senator Emery, **HB 113**, with SCS, SS for SCS, SA 2 and SSA 1 for SA 2 (pending), was placed on the Informal Calendar.

Senator Hoskins moved that **HCS** for **HB 604**, with SCS and SS for SCS (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage.

**SS** for **SCS** for **HCS** for **HB 604** was again taken up.

At the request of Senator Hoskins, **SS** for **SCS** for **HCS** for **HB 604** was withdrawn.

Senator Hoskins offered **SS No. 2** for **SCS** for **HCS** for **HB 604**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 604

An Act to repeal sections 160.410, 160.415, 160.545, 160.2500, 161.700, 162.068, 162.081, 162.203, 163.018, 163.031, 167.125, 167.131, 167.151, 167.241, 168.133, 171.031, 171.033, 177.086, 178.530, and 210.110, RSMo, and to enact in lieu thereof thirty-eight new sections relating to elementary and secondary education, with an emergency clause for certain sections.

Senator Hoskins moved that **SS No. 2** for **SCS** for **HCS** for **HB 604** be adopted.

At the request of Senator Hoskins, **HCS** for **HB 604**, with **SCS** and **SS No. 2** for **SCS** (pending), was placed on the Informal Calendar.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 514**.

With House Amendments 1 and 2.

**HOUSE AMENDMENT NO. 1**

Amend Senate Bill No. 514, Page 1, In the Title, Line 3, by deleting said line and inserting in lieu thereof the words “to health care.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 2**

Amend Senate Bill No. 514, Page 1, Section A, Line 2, by inserting after said section and line the following:

**“21.790. 1. There is hereby established the “Task Force on Substance Abuse Prevention and Treatment”. The task force shall be composed of six members from the house of representatives, six members from the senate, and four members appointed by the governor. The senate members of the task force shall be appointed by the president pro tempore of the senate and the house members by the speaker of the house of representatives. There shall be at least two members from the minority party of the senate and at least two members from the minority party of the house of representatives. The members appointed by the governor shall include one member from the health care industry, one member who is a first responder or law enforcement officer, one member who is a member of the judiciary or a prosecuting attorney, and one member representing a substance abuse prevention advocacy group.**

**2. The task force shall select a chairperson and a vice-chairperson, one of whom shall be a member of the senate and one a member of the house of representatives. A majority of the members shall constitute a quorum. The task force shall meet at least once during each legislative session and at all other times as the chairperson may designate.**

**3. The task force shall:**

(1) Conduct hearings on current and estimated future drug and substance use and abuse within the state;

(2) Explore solutions to substance abuse issues; and

(3) Draft or modify legislation as necessary to effectuate the goals of finding and funding education and treatment solutions to curb drug and substance use and abuse.

4. The task force may make reasonable requests for staff assistance from the research and appropriations staffs of the senate and house of representatives and the joint committee on legislative research. In the performance of its duties, the task force may request assistance or information from all branches of government and state departments, agencies, boards, commissions, and offices.

5. The task force shall report annually to the general assembly and the governor. The report shall include recommendations for legislation pertaining to substance abuse prevention and treatment.

191.603. As used in sections 191.600 to 191.615, the following terms shall mean:

(1) "Areas of defined need", areas designated by the department pursuant to section 191.605, when services of a physician, **including a psychiatrist**, chiropractor, or dentist are needed to improve the patient-health professional ratio in the area, to contribute health care professional services to an area of economic impact, or to contribute health care professional services to an area suffering from the effects of a natural disaster;

(2) "Chiropractor", a person licensed and registered pursuant to chapter 331;

(3) "Department", the department of health and senior services;

(4) "General dentist", dentists licensed and registered pursuant to chapter 332 engaged in general dentistry and who are providing such services to the general population;

(5) "Primary care physician", physicians licensed and registered pursuant to chapter 334 engaged in general or family practice, internal medicine, pediatrics or obstetrics and gynecology as their primary specialties, and who are providing such primary care services to the general population;

(6) "**Psychiatrist**", the same meaning as in section 632.005.

191.605. The department shall designate counties, communities, or sections of urban areas as areas of defined need for medical, **psychiatric**, chiropractic, or dental services when such county, community or section of an urban area has been designated as a primary care health professional shortage area, **a mental health care professional shortage area**, or a dental health care professional shortage area by the federal Department of Health and Human Services, or has been determined by the director of the department of health and senior services to have an extraordinary need for health care professional services, without a corresponding supply of such professionals.

191.607. The department shall adopt and promulgate regulations establishing standards for determining eligible persons for loan repayment pursuant to sections 191.600 to 191.615. These standards shall include, but are not limited to the following:

(1) Citizenship or permanent residency in the United States;

(2) Residence in the state of Missouri;

(3) Enrollment as a full-time medical student in the final year of a course of study offered by an

approved educational institution or licensed to practice medicine or osteopathy pursuant to chapter 334, **including psychiatrists;**

(4) Enrollment as a full-time dental student in the final year of course study offered by an approved educational institution or licensed to practice general dentistry pursuant to chapter 332;

(5) Enrollment as a full-time chiropractic student in the final year of course study offered by an approved educational institution or licensed to practice chiropractic medicine pursuant to chapter 331;

(6) Application for loan repayment.

191.737. 1. Notwithstanding the physician-patient privilege, any physician or health care provider may refer to the children's division families in which children may have been exposed to a controlled substance listed in section 195.017, schedules I, II and III, or alcohol as evidenced by **a written assessment, made or approved by a physician, health care provider, or by the children's division, that documents the child as being at risk of abuse or neglect and either:**

(1) Medical documentation of signs and symptoms consistent with controlled substances or alcohol exposure in the child at birth; or

(2) Results of a confirmed toxicology test for controlled substances performed at birth on the mother or the child; and

(3) A written assessment made or approved by a physician, health care provider, or by the children's division which documents the child as being at risk of abuse or neglect].

**2. Notwithstanding the physician-patient privilege, any physician or health care provider shall refer to the children's division families in which infants are born and identified as affected by substance abuse, withdrawal symptoms resulting from prenatal drug exposure, or a Fetal Alcohol Spectrum Disorder as evidenced by:**

**(1) Medical documentation of signs and symptoms consistent with controlled substances or alcohol exposure in the child at birth; or**

**(2) Results of a confirmed toxicology test for controlled substances performed at birth on the mother or the child.**

[2]3. Nothing in this section shall preclude a physician or other mandated reporter from reporting abuse or neglect of a child as required pursuant to the provisions of section 210.115.

[3]4. Any physician or health care provider complying with the provisions of this section, in good faith, shall have immunity from any civil liability that might otherwise result by reason of such actions.

[4]5. Referral and associated documentation provided for in this section shall be confidential and shall not be used in any criminal prosecution.

**191.1164. 1. Sections 191.1164 to 191.1168 shall be known and may be cited as the "Ensuring Access to High Quality Care for the Treatment of Substance Use Disorders Act".**

**2. As used in sections 191.1164 to 191.1168, the following terms shall mean:**

**(1) "Behavioral therapy", an individual, family, or group therapy designed to help patients engage in the treatment process, modify their attitudes and behaviors related to substance use, and increase healthy life skills;**

- (2) “Department of insurance”, the department that has jurisdiction regulating health insurers;
- (3) “Financial requirements”, deductibles, co-payments, coinsurance, or out-of-pocket maximums;
- (4) “Health care professional”, a physician or other health care practitioner licensed, accredited, or certified by the state of Missouri to perform specified health services;
- (5) “Health insurance plan”, an individual or group plan that provides, or pays the cost of, health care items or services;
- (6) “Health insurer”, any person or entity that issues, offers, delivers, or administers a health insurance plan;
- (7) “Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA)”, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 found at 42 U.S.C. 300gg-26 and its implementing and related regulations found at 45 CFR 146.136, 45 CFR 147.160, and 45 CFR 156.115;
- (8) “Nonquantitative treatment limitation” or “NQTL”, any limitation on the scope or duration of treatment that is not expressed numerically;
- (9) “Pharmacologic therapy”, a prescribed course of treatment that may include methadone, buprenorphine, naltrexone, or other FDA-approved or evidence-based medications for the treatment of substance use disorder;
- (10) “Pharmacy benefits manager”, an entity that contracts with pharmacies on behalf of health carriers or any health plan sponsored by the state or a political subdivision of the state;
- (11) “Prior authorization”, the process by which the health insurer or the pharmacy benefits manager determines the medical necessity of otherwise covered health care services prior to the rendering of such health care services. “Prior authorization” also includes any health insurer’s or utilization review entity’s requirement that a subscriber or health care provider notify the health insurer or utilization review entity prior to receiving or providing a health care service;
- (12) “Quantitative treatment limitation” or “QTL”, numerical limits on the scope or duration of treatment, which include annual, episode, and lifetime day and visit limits;
- (13) “Step therapy”, a protocol or program that establishes the specific sequence in which prescription drugs for a medical condition that are medically appropriate for a particular patient are authorized by a health insurer or prescription drug management company;
- (14) “Urgent health care service”, a health care service with respect to which the application of the time period for making a non-expedited prior authorization, in the opinion of a physician with knowledge of the enrollee’s medical condition:
  - (a) Could seriously jeopardize the life or health of the subscriber or the ability of the enrollee to regain maximum function; or
  - (b) Could subject the enrollee to severe pain that cannot be adequately managed without the care or treatment that is the subject of the utilization review.

3. For the purpose of this section, “urgent health care service” shall include services provided for the treatment of substance use disorders.

**191.1165. 1. Medication-assisted treatment (MAT) shall include pharmacologic therapies. A formulary used by a health insurer or managed by a pharmacy benefits manager, or medical benefit coverage in the case of medications dispensed through an opioid treatment program, shall include:**

- (1) Buprenorphine tablets;**
- (2) Methadone;**
- (3) Naloxone;**
- (4) Extended-release injectable naltrexone; and**
- (5) Buprenorphine/naloxone combination.**

**2. All MAT medications required for compliance in this section shall be placed on the lowest cost-sharing tier of the formulary managed by the health insurer or the pharmacy benefits manager.**

**3. MAT medications provided for in this section shall not be subject to any of the following:**

- (1) Any annual or lifetime dollar limitations;**
- (2) Financial requirements and quantitative treatment limitations that do not comply with the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA), specifically 45 CFR 146.136(c)(3);**
- (3) Step therapy or other similar drug utilization strategy or policy when it conflicts or interferes with a prescribed or recommended course of treatment from a licensed health care professional; and**
- (4) Prior authorization for MAT medications as specified in this section.**

**4. MAT medications outlined in this section shall apply to all health insurance plans delivered in the state of Missouri.**

**5. Any entity that holds itself out as a treatment program or that applies for licensure by the state to provide clinical treatment services for substance use disorders shall be required to disclose the MAT services it provides, as well as which of its levels of care have been certified by an independent, national, or other organization that has competencies in the use of the applicable placement guidelines and level of care standards.**

**6. The MO HealthNet program shall cover the MAT medications and services provided for in this section and include those MAT medications in its preferred drug lists for the treatment of substance use disorders and prevention of overdose and death. The preferred drug list shall include all current and new formulations and medications that are approved by the U.S. Food and Drug Administration for the treatment of substance use disorders.**

**7. Drug courts or other diversion programs that provide for alternatives to jail or prison for persons with a substance use disorder shall be required to ensure all persons under their care are assessed for substance use disorders using standard diagnostic criteria by a licensed physician who actively treats patients with substance use disorders. The court or other diversion program shall make available the MAT services covered under this section, consistent with a treatment plan developed by the physician, and shall not impose any limitations on the type of medication or other treatment prescribed or the dose or duration of MAT recommended by the physician.**

**8. Requirements under this section shall not be subject to a covered person's prior success or**



failure of the services provided.

**191.1167. Any contract provision, written policy, or written procedure in violation of sections 191.1164 to 191.1168 shall be deemed to be unenforceable and shall be null and void.**

**191.1168. If any provision of sections 191.1164 to 191.1168 or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of sections 191.1164 to 191.1168 which may be given effect without the invalid provision or application, and to that end the provisions of sections 191.1164 to 191.1168 are severable.**

192.067. 1. The department of health and senior services, for purposes of conducting epidemiological studies to be used in promoting and safeguarding the health of the citizens of Missouri under the authority of this chapter is authorized to receive information from patient medical records. The provisions of this section shall also apply to the collection, analysis, and disclosure of nosocomial infection data from patient records collected pursuant to section 192.667 **and to the collection of data under section 192.990.**

2. The department shall maintain the confidentiality of all medical record information abstracted by or reported to the department. Medical information secured pursuant to the provisions of subsection 1 of this section may be released by the department only in a statistical aggregate form that precludes and prevents the identification of patient, physician, or medical facility except that medical information may be shared with other public health authorities and coinvestigators of a health study if they abide by the same confidentiality restrictions required of the department of health and senior services and except as otherwise authorized by the provisions of sections 192.665 to 192.667, **or section 192.990.** The department of health and senior services, public health authorities and coinvestigators shall use the information collected only for the purposes provided for in this section [and], section 192.667, **or section 192.990.**

3. No individual or organization providing information to the department in accordance with this section shall be deemed to be or be held liable, either civilly or criminally, for divulging confidential information unless such individual organization acted in bad faith or with malicious purpose.

4. The department of health and senior services is authorized to reimburse medical care facilities, within the limits of appropriations made for that purpose, for the costs associated with abstracting data for special studies.

5. Any department of health and senior services employee, public health authority or coinvestigator of a study who knowingly releases information which violates the provisions of this section shall be guilty of a class A misdemeanor and, upon conviction, shall be punished as provided by law.

192.667. 1. All health care providers shall at least annually provide to the department charge data as required by the department. All hospitals shall at least annually provide patient abstract data and financial data as required by the department. Hospitals as defined in section 197.020 shall report patient abstract data for outpatients and inpatients. Ambulatory surgical centers and abortion facilities as defined in section 197.200 shall provide patient abstract data to the department. The department shall specify by rule the types of information which shall be submitted and the method of submission.

2. The department shall collect data on the incidence of health care-associated infections from hospitals, ambulatory surgical centers, abortion facilities, and other facilities as necessary to generate the reports required by this section. Hospitals, ambulatory surgical centers, abortion facilities, and other facilities shall provide such data in compliance with this section. **In order to streamline government and to eliminate duplicative reporting requirements, if the Centers for Medicare and Medicaid Services, or its**

**successor entity, requires hospitals to submit health care-associated infection data, then hospitals and the department shall not be required to comply with the health care-associated infection data reporting requirements of subsections 2 to 17 of this section applicable to hospitals, except that the department shall post a link on its website to publicly reported data by hospitals on the Centers for Medicare and Medicaid Services' Hospital Compare website, or its successor.**

3. The department shall promulgate rules specifying the standards and procedures for the collection, analysis, risk adjustment, and reporting of the incidence of health care-associated infections and the types of infections and procedures to be monitored pursuant to subsection 13 of this section. In promulgating such rules, the department shall:

(1) Use methodologies and systems for data collection established by the federal Centers for Disease Control and Prevention's National Healthcare Safety Network, or its successor; and

(2) Consider the findings and recommendations of the infection control advisory panel established pursuant to section 197.165.

4. By January 1, 2017, the infection control advisory panel created by section 197.165 shall make recommendations to the department regarding the Centers for Medicare and Medicaid Services' health care-associated infection data collection, analysis, and public reporting requirements for hospitals, ambulatory surgical centers, and other facilities in the federal Centers for Disease Control and Prevention's National Healthcare Safety Network, or its successor, in lieu of all or part of the data collection, analysis, and public reporting requirements of this section. The advisory panel recommendations shall address which hospitals shall be required as a condition of licensure to use the National Healthcare Safety Network for data collection; the use of the National Healthcare Safety Network for risk adjustment and analysis of hospital submitted data; and the use of the Centers for Medicare and Medicaid Services' Hospital Compare website, or its successor, for public reporting of the incidence of health care-associated infection metrics. The advisory panel shall consider the following factors in developing its recommendation:

(1) Whether the public is afforded the same or greater access to facility-specific infection control indicators and metrics;

(2) Whether the data provided to the public is subject to the same or greater accuracy of risk adjustment;

(3) Whether the public is provided with the same or greater specificity of reporting of infections by type of facility infections and procedures;

(4) Whether the data is subject to the same or greater level of confidentiality of the identity of an individual patient;

(5) Whether the National Healthcare Safety Network, or its successor, has the capacity to receive, analyze, and report the required data for all facilities;

(6) Whether the cost to implement the National Healthcare Safety Network infection data collection and reporting system is the same or less.

5. After considering the recommendations of the infection control advisory panel, and provided that the requirements of subsection 13 of this section can be met, the department shall implement guidelines from the federal Centers for Disease Control and Prevention's National Healthcare Safety Network, or its successor. It shall be a condition of licensure for hospitals that meet the minimum public reporting requirements of the National Healthcare Safety Network and the Centers for Medicare and Medicaid

Services to participate in the National Healthcare Safety Network, or its successor. Such hospitals shall permit the National Healthcare Safety Network, or its successor, to disclose facility-specific infection data to the department as required under this section, and as necessary to provide the public reports required by the department. It shall be a condition of licensure for any ambulatory surgical center or abortion facility which does not voluntarily participate in the National Healthcare Safety Network, or its successor, to submit facility-specific data to the department as required under this section, and as necessary to provide the public reports required by the department.

6. The department shall not require the resubmission of data which has been submitted to the department of health and senior services or the department of social services under any other provision of law. The department of health and senior services shall accept data submitted by associations or related organizations on behalf of health care providers by entering into binding agreements negotiated with such associations or related organizations to obtain data required pursuant to section 192.665 and this section. A health care provider shall submit the required information to the department of health and senior services:

- (1) If the provider does not submit the required data through such associations or related organizations;
- (2) If no binding agreement has been reached within ninety days of August 28, 1992, between the department of health and senior services and such associations or related organizations; or
- (3) If a binding agreement has expired for more than ninety days.

7. Information obtained by the department under the provisions of section 192.665 and this section shall not be public information. Reports and studies prepared by the department based upon such information shall be public information and may identify individual health care providers. The department of health and senior services may authorize the use of the data by other research organizations pursuant to the provisions of section 192.067. The department shall not use or release any information provided under section 192.665 and this section which would enable any person to determine any health care provider's negotiated discounts with specific preferred provider organizations or other managed care organizations. The department shall not release data in a form which could be used to identify a patient. Any violation of this subsection is a class A misdemeanor.

8. The department shall undertake a reasonable number of studies and publish information, including at least an annual consumer guide, in collaboration with health care providers, business coalitions and consumers based upon the information obtained pursuant to the provisions of section 192.665 and this section. The department shall allow all health care providers and associations and related organizations who have submitted data which will be used in any publication to review and comment on the publication prior to its publication or release for general use. The publication shall be made available to the public for a reasonable charge.

9. Any health care provider which continually and substantially, as these terms are defined by rule, fails to comply with the provisions of this section shall not be allowed to participate in any program administered by the state or to receive any moneys from the state.

10. A hospital, as defined in section 197.020, aggrieved by the department's determination of ineligibility for state moneys pursuant to subsection 9 of this section may appeal as provided in section 197.071. An ambulatory surgical center or abortion facility as defined in section 197.200 aggrieved by the department's determination of ineligibility for state moneys pursuant to subsection 9 of this section may appeal as provided in section 197.221.

11. The department of health may promulgate rules providing for collection of data and publication of the incidence of health care-associated infections for other types of health facilities determined to be sources of infections; except that, physicians' offices shall be exempt from reporting and disclosure of such infections.

12. By January 1, 2017, the advisory panel shall recommend and the department shall adopt in regulation with an effective date of no later than January 1, 2018, the requirements for the reporting of the following types of infections as specified in this subsection:

(1) Infections associated with a minimum of four surgical procedures for hospitals and a minimum of two surgical procedures for ambulatory surgical centers that meet the following criteria:

(a) Are usually associated with an elective surgical procedure. An "elective surgical procedure" is a planned, nonemergency surgical procedure that may be either medically required such as a hip replacement or optional such as breast augmentation;

(b) Demonstrate a high priority aspect such as affecting a large number of patients, having a substantial impact for a smaller population, or being associated with substantial cost, morbidity, or mortality; or

(c) Are infections for which reports are collected by the National Healthcare Safety Network or its successor;

(2) Central line-related bloodstream infections;

(3) Health care-associated infections specified for reporting by hospitals, ambulatory surgical centers, and other health care facilities by the rules of the Centers for Medicare and Medicaid Services to the federal Centers for Disease Control and Prevention's National Healthcare Safety Network, or its successor; and

(4) Other categories of infections that may be established by rule by the department.

The department, in consultation with the advisory panel, shall be authorized to collect and report data on subsets of each type of infection described in this subsection.

13. In consultation with the infection control advisory panel established pursuant to section 197.165, the department shall develop and disseminate to the public reports based on data compiled for a period of twelve months. Such reports shall be updated quarterly and shall show for each hospital, ambulatory surgical center, abortion facility, and other facility metrics on risk-adjusted health care-associated infections under this section.

14. The types of infections under subsection 12 of this section to be publicly reported shall be determined by the department by rule and shall be consistent with the infections tracked by the National Healthcare Safety Network, or its successor.

15. Reports published pursuant to subsection 13 of this section shall be published and readily accessible on the department's internet website. The reports shall be distributed at least annually to the governor and members of the general assembly. The department shall make such reports available to the public for a period of at least two years.

16. The Hospital Industry Data Institute shall publish a report of Missouri hospitals', ambulatory surgical centers', and abortion facilities' compliance with standardized quality of care measures established by the federal Centers for Medicare and Medicaid Services for prevention of infections related to surgical

procedures. If the Hospital Industry Data Institute fails to do so by July 31, 2008, and annually thereafter, the department shall be authorized to collect information from the Centers for Medicare and Medicaid Services or from hospitals, ambulatory surgical centers, and abortion facilities and publish such information in accordance with this section.

17. The data collected or published pursuant to this section shall be available to the department for purposes of licensing hospitals, ambulatory surgical centers, and abortion facilities pursuant to chapter 197.

18. The department shall promulgate rules to implement the provisions of section 192.131 and sections 197.150 to 197.160. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

19. No later than August 28, 2017, each hospital, excluding mental health facilities as defined in section 632.005, and each ambulatory surgical center and abortion facility as defined in section 197.200, shall in consultation with its medical staff establish an antimicrobial stewardship program for evaluating the judicious use of antimicrobials, especially antibiotics that are the last line of defense against resistant infections. The hospital's stewardship program and the results of the program shall be monitored and evaluated by hospital quality improvement departments and shall be available upon inspection to the department. At a minimum, the antimicrobial stewardship program shall be designed to evaluate that hospitalized patients receive, in accordance with accepted medical standards of practice, the appropriate antimicrobial, at the appropriate dose, at the appropriate time, and for the appropriate duration.

20. Hospitals described in subsection 19 of this section shall meet the National Healthcare Safety Network requirements for reporting antimicrobial usage or resistance by using the Centers for Disease Control and Prevention's Antimicrobial Use and Resistance (AUR) Module when [regulations concerning Stage 3 of the Medicare and Medicaid Electronic Health Records Incentive Programs promulgated by the Centers for Medicare and Medicaid Services that enable the electronic interface for such reporting are effective] **conditions of participation promulgated by the Centers for Medicare and Medicaid Services requiring the electronic reporting of antibiotic use or antibiotic resistance by hospitals become effective**. When such antimicrobial usage or resistance reporting takes effect, hospitals shall authorize the National Healthcare Safety Network, or its successor, to disclose to the department facility-specific information reported to the AUR Module. Facility-specific data on antibiotic usage and resistance collected under this subsection shall not be disclosed to the public, but the department may release case-specific information to other facilities, physicians, and the public if the department determines on a case-by-case basis that the release of such information is necessary to protect persons in a public health emergency. **Nothing in this section shall prohibit a hospital from voluntarily reporting antibiotic use or antibiotic resistance data through the National Healthcare Safety Network, or its successor, prior to the effective date of the conditions of participation requiring the reporting.**

21. The department shall make a report to the general assembly beginning January 1, 2018, and on every January first thereafter on the incidence, type, and distribution of antimicrobial-resistant infections identified in the state and within regions of the state.

**192.990. 1.** There is hereby established within the department of health and senior services the “Pregnancy-Associated Mortality Review Board” to improve data collection and reporting with respect to maternal deaths. The department may collaborate with localities and with other states to meet the goals of the initiative.

**2.** For purposes of this section, the following terms shall mean:

**(1)** “Department”, the Missouri department of health and senior services;

**(2)** “Maternal death”, the death of a woman while pregnant or during the one-year period following the date of the end of pregnancy, regardless of the cause of death and regardless of whether a delivery, miscarriage, or death occurs inside or outside of a hospital.

**3.** The board shall be composed of no more than eighteen members, with a chair elected from among its membership. The board shall meet at least twice per year and shall approve the strategic priorities, funding allocations, work processes, and products of the board. Members of the board shall be appointed by the director of the department. Members shall serve four-year terms, except that the initial terms shall be staggered so that approximately one-third serve three, four, and five-year terms.

**4.** The board shall have a multidisciplinary and diverse membership that represents a variety of medical and nursing specialties, including, but not limited to, obstetrics and maternal-fetal care, as well as state or local public health officials, epidemiologists, statisticians, community organizations, geographic regions, and other individuals or organizations that are most affected by maternal deaths and lack of access to maternal health care services.

**5.** The duties of the board shall include, but not be limited to:

**(1)** Conducting ongoing comprehensive, multidisciplinary reviews of all maternal deaths;

**(2)** Identifying factors associated with maternal deaths;

**(3)** Reviewing medical records and other relevant data, which shall include, to the extent available:

**(a)** A description of the maternal deaths determined by matching each death record of a maternal death to a birth certificate of an infant or fetal death record, as applicable, and an indication of whether the delivery, miscarriage, or death occurred inside or outside of a hospital;

**(b)** Data collected from medical examiner and coroner reports, as appropriate; and

**(c)** Using other appropriate methods or information to identify maternal deaths, including deaths from pregnancy outcomes not identified under paragraph (a) of this subdivision;

**(4)** Consulting with relevant experts, as needed;

**(5)** Analyzing cases to produce recommendations for reducing maternal mortality;

**(6)** Disseminating recommendations to policy makers, health care providers and facilities, and the general public;

**(7)** Recommending and promoting preventative strategies and making recommendations for systems changes;

**(8)** Protecting the confidentiality of the hospitals and individuals involved in any maternal deaths;

**(9) Examining racial and social disparities in maternal deaths;**

**(10) Subject to appropriation, providing for voluntary and confidential case reporting of maternal deaths to the appropriate state health agency by family members of the deceased, and other appropriate individuals, for purposes of review by the board;**

**(11) Making publicly available the contact information of the board for use in such reporting;**

**(12) Conducting outreach to local professional organizations, community organizations, and social services agencies regarding the availability of the review board; and**

**(13) Ensuring that data collected under this section is made available, as appropriate and practicable, for research purposes, in a manner that protects individually identifiable or potentially identifiable information and that is consistent with state and federal privacy laws.**

**6. The board may contract with other entities consistent with the duties of the board.**

**7. (1) Before June 30, 2020, and annually thereafter, the board shall submit to the Director of the Centers for Disease Control and Prevention, the director of the department, the governor, and the general assembly a report on maternal mortality in the state based on data collected through ongoing comprehensive, multidisciplinary reviews of all maternal deaths, and any other projects or efforts funded by the board. The data shall be collected using best practices to reliably determine and include all maternal deaths, regardless of the outcome of the pregnancy and shall include data, findings, and recommendations of the committee, and, as applicable, information on the implementation during such year of any recommendations submitted by the board in a previous year.**

**(2) The report shall be made available to the public on the department's website and the director shall disseminate the report to all health care providers and facilities that provide women's health services in the state.**

**8. The director of the department, or his or her designee, shall provide the board with the copy of the death certificate and any linked birth or fetal death certificate for any maternal death occurring within the state.**

**9. Upon request by the department, health care providers, health care facilities, clinics, laboratories, medical examiners, coroners, law enforcement agencies, driver's license bureaus, other state agencies, and facilities licensed by the department shall provide to the department data related to maternal deaths from sources such as medical records, autopsy reports, medical examiner's reports, coroner's reports, law enforcement reports, motor vehicle records, social services records, and other sources as appropriate. Such data requests shall be limited to maternal deaths which have occurred within the previous twenty-four months. No entity shall be held liable for civil damages or be subject to any criminal or disciplinary action when complying in good faith with a request from the department for information under the provisions of this subsection.**

**10. (1) The board shall protect the privacy and confidentiality of all patients, decedents, providers, hospitals, or any other participants involved in any maternal deaths. In no case shall any individually identifiable health information be provided to the public or submitted to an information clearinghouse.**

**(2) Nothing in this subsection shall prohibit the board or department from publishing statistical compilations and research reports that:**

**(a) Are based on confidential information relating to mortality reviews under this section; and**

**(b) Do not contain identifying information or any other information that could be used to ultimately identify the individuals concerned.**

**(3) Information, records, reports, statements, notes, memoranda, or other data collected under this section shall not be admissible as evidence in any action of any kind in any court or before any other tribunal, board, agency, or person. Such information, records, reports, notes, memoranda, data obtained by the department or any other person, statements, notes, memoranda, or other data shall not be exhibited nor their contents disclosed in any way, in whole or in part, by any officer or representative of the department or any other person. No person participating in such review shall disclose, in any manner, the information so obtained except in strict conformity with such review project. Such information shall not be subject to disclosure under chapter 610.**

**(4) All information, records of interviews, written reports, statements, notes, memoranda, or other data obtained by the department, the board, and other persons, agencies, or organizations so authorized by the department under this section shall be confidential.**

**(5) All proceedings and activities of the board, opinions of members of such board formed as a result of such proceedings and activities, and records obtained, created, or maintained under this section, including records of interviews, written reports, statements, notes, memoranda, or other data obtained by the department or any other person, agency, or organization acting jointly or under contract with the department in connection with the requirements of this section, shall be confidential and shall not be subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding; provided, however, that nothing in this section shall be construed to limit or restrict the right to discover or use in any civil or criminal proceeding anything that is available from another source and entirely independent of the board's proceedings.**

**(6) Members of the board shall not be questioned in any civil or criminal proceeding regarding the information presented in or opinions formed as a result of a meeting or communication of the board; provided, however, that nothing in this section shall be construed to prevent a member of the board from testifying to information obtained independently of the board or which is public information.**

**11. The department may use grant program funds to support the efforts of the board and may apply for additional federal government and private foundation grants as needed. The department may also accept private, foundation, city, county, or federal moneys to implement the provisions of this section.**

193.015. As used in sections 193.005 to 193.325, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Advanced practice registered nurse", a person licensed to practice as an advanced practice registered nurse under chapter 335, and who has been delegated tasks outlined in section 193.145 by a physician with whom they have entered into a collaborative practice arrangement under chapter 334;

(2) "Assistant physician", as such term is defined in section 334.036, and who has been delegated tasks outlined in section 193.145 by a physician with whom they have entered into a collaborative practice arrangement under chapter 334;



(3) “Dead body”, a human body or such parts of such human body from the condition of which it reasonably may be concluded that death recently occurred;

(4) “Department”, the department of health and senior services;

(5) “Final disposition”, the burial, interment, cremation, removal from the state, or other authorized disposition of a dead body or fetus;

(6) “Institution”, any establishment, public or private, which provides inpatient or outpatient medical, surgical, or diagnostic care or treatment or nursing, custodian, or domiciliary care, or to which persons are committed by law;

(7) “Live birth”, the complete expulsion or extraction from its mother of a child, irrespective of the duration of pregnancy, which after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached;

(8) “Physician”, a person authorized or licensed to practice medicine or osteopathy pursuant to chapter 334;

(9) “Physician assistant”, a person licensed to practice as a physician assistant pursuant to chapter 334, and who has been delegated tasks outlined in section 193.145 by a physician with whom they have entered into a [supervision agreement] **collaborative practice arrangement** under chapter 334;

(10) “Spontaneous fetal death”, a noninduced death prior to the complete expulsion or extraction from its mother of a fetus, irrespective of the duration of pregnancy; the death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles;

(11) “State registrar”, state registrar of vital statistics of the state of Missouri;

(12) “System of vital statistics”, the registration, collection, preservation, amendment and certification of vital records; the collection of other reports required by sections 193.005 to 193.325 and section 194.060; and activities related thereto including the tabulation, analysis and publication of vital statistics;

(13) “Vital records”, certificates or reports of birth, death, marriage, dissolution of marriage and data related thereto;

(14) “Vital statistics”, the data derived from certificates and reports of birth, death, spontaneous fetal death, marriage, dissolution of marriage and related reports.

195.060. 1. Except as provided in subsection 4 of this section, a pharmacist, in good faith, may sell and dispense controlled substances to any person only upon a prescription of a practitioner as authorized by statute, provided that the controlled substances listed in Schedule V may be sold without prescription in accordance with regulations of the department of health and senior services. All written prescriptions shall be signed by the person prescribing the same, **except for electronic prescriptions**. All prescriptions shall be dated on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is prescribed, and the full name, address, and the registry number under the federal controlled substances laws of the person prescribing, if he or she is required by those laws to be so registered. If the prescription is for an animal, it shall state the species of the animal for which the drug is prescribed. The person filling the prescription shall either write the date of filling and his or her own signature on the prescription or retain the date of filling and the identity of the dispenser as electronic

prescription information. The prescription or electronic prescription information shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this law. No prescription for a drug in Schedule I or II shall be filled more than six months after the date prescribed; no prescription for a drug in Schedule I or II shall be refilled; no prescription for a drug in Schedule III or IV shall be filled or refilled more than six months after the date of the original prescription or be refilled more than five times unless renewed by the practitioner.

2. A pharmacist, in good faith, may sell and dispense controlled substances to any person upon a prescription of a practitioner located in another state, provided that the:

(1) Prescription was issued according to and in compliance with the applicable laws of that state and the United States; and

(2) Quantity limitations in subsection 4 of section 195.080 apply to prescriptions dispensed to patients located in this state.

3. The legal owner of any stock of controlled substances in a pharmacy, upon discontinuance of dealing in such drugs, may sell the stock to a manufacturer, wholesaler, or pharmacist, but only on an official written order.

4. A pharmacist, in good faith, may sell and dispense any Schedule II drug or drugs to any person in emergency situations as defined by rule of the department of health and senior services upon an oral prescription by an authorized practitioner.

5. Except where a bona fide physician-patient-pharmacist relationship exists, prescriptions for narcotics or hallucinogenic drugs shall not be delivered to or for an ultimate user or agent by mail or other common carrier.

195.080. 1. Except as otherwise provided in this chapter and chapter 579, this chapter and chapter 579 shall not apply to the following cases: prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that this chapter and chapter 579 shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

2. Unless otherwise provided in sections 334.037, 334.104, and 334.747, a practitioner, other than a veterinarian, shall not issue an initial prescription for more than a seven-day supply of any opioid controlled substance upon the initial consultation and treatment of a patient for acute pain. Upon any subsequent consultation for the same pain, the practitioner may issue any appropriate renewal, refill, or new prescription in compliance with the general provisions of this chapter and chapter 579. Prior to issuing an initial prescription for an opioid controlled substance, a practitioner shall consult with the patient regarding the quantity of the opioid and the patient's option to fill the prescription in a lesser quantity and shall inform the patient of the risks associated with the opioid prescribed. If, in the professional medical judgment of the practitioner, more than a seven-day supply is required to treat the patient's acute pain, the practitioner may issue a prescription for the quantity needed to treat the patient; provided, that the practitioner shall document in the patient's medical record the condition triggering the necessity for more than a seven-day supply and that a nonopioid alternative was not appropriate to address the patient's condition. The provisions of this subsection shall not apply to prescriptions for opioid controlled substances for a patient who is currently

undergoing treatment for cancer **or sickle cell disease**, is receiving hospice care from a hospice certified under chapter 197 or palliative care, is a resident of a long-term care facility licensed under chapter 198, or is receiving treatment for substance abuse or opioid dependence.

3. A pharmacist or pharmacy shall not be subject to disciplinary action or other civil or criminal liability for dispensing or refusing to dispense medication in good faith pursuant to an otherwise valid prescription that exceeds the prescribing limits established by subsection 2 of this section.

4. Unless otherwise provided in this section, the quantity of Schedule II controlled substances prescribed or dispensed at any one time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of this chapter and chapter 579. The supply limitations provided in this subsection may be increased up to three months if the physician describes on the prescription form or indicates via telephone, fax, or electronic communication to the pharmacy to be entered on or attached to the prescription form the medical reason for requiring the larger supply. The supply limitations provided in this subsection shall not apply if:

(1) The prescription is issued by a practitioner located in another state according to and in compliance with the applicable laws of that state and the United States and dispensed to a patient located in another state; or

(2) The prescription is dispensed directly to a member of the United States Armed Forces serving outside the United States.

5. The partial filling of a prescription for a Schedule II substance is permissible as defined by regulation by the department of health and senior services.

195.100. 1. It shall be unlawful to distribute any controlled substance in a commercial container unless such container bears a label containing an identifying symbol for such substance in accordance with federal laws.

2. It shall be unlawful for any manufacturer of any controlled substance to distribute such substance unless the labeling thereof conforms to the requirements of federal law and contains the identifying symbol required in subsection 1 of this section.

3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such narcotic or dangerous drug to any person other than the patient.

4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a wholesaler sells or dispenses a controlled substance in a package prepared by him or her, the manufacturer or wholesaler shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person except a pharmacist for the purpose of filling a prescription under this chapter, shall alter, deface, or remove any label so affixed.

5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance on a prescription issued by a physician, physician assistant, dentist, podiatrist, veterinarian, or advanced practice registered nurse, the pharmacist or practitioner shall affix to the container in which such drug is sold or dispensed a label showing his or her own name and address of the pharmacy or practitioner for whom he or she is

lawfully acting; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; the name of the physician, physician assistant, dentist, podiatrist, advanced practice registered nurse, or veterinarian by whom the prescription was written; the name of the collaborating physician if the prescription is written by an advanced practice registered nurse or [the supervising physician if the prescription is written by] a physician assistant, and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.

**195.550. 1. Notwithstanding any other provision of this section or any other law to the contrary, beginning January 1, 2021, no person shall issue any prescription in this state for any Schedule II, III, or IV controlled substance unless the prescription is made by electronic prescription from the person issuing the prescription to a pharmacy, except for prescriptions:**

**(1) Issued by veterinarians;**

**(2) Issued in circumstances where electronic prescribing is not available due to temporary technological or electrical failure;**

**(3) Issued by a practitioner to be dispensed by a pharmacy located outside the state;**

**(4) Issued when the prescriber and dispenser are the same entity;**

**(5) Issued that include elements that are not supported by the most recently implemented version of the National Council for Prescription Drug Programs Prescriber/Pharmacist Interface SCRIPT Standard;**

**(6) Issued by a practitioner for a drug that the federal Food and Drug Administration requires the prescription to contain certain elements that are not able to be accomplished with electronic processing;**

**(7) Issued by a practitioner allowing for the dispensing of a nonpatient specific prescription pursuant to a standing order, approved protocol for drug therapy, collaborative drug management or comprehensive medication management, in response to a public health emergency, or other circumstances where the practitioner may issue a nonpatient specific prescription;**

**(8) Issued by a practitioner prescribing a drug under a research protocol;**

**(9) Issued by practitioners who have received an annual waiver, or a renewal thereof, from the requirement to use electronic prescribing, pursuant to a process established in regulation by the department of health and senior services, due to economic hardship, technological limitations, or other exceptional circumstances demonstrated by the practitioner;**

**(10) Issued by a practitioner under circumstances where, notwithstanding the practitioner's present ability to make an electronic prescription as required by this subsection, such practitioner reasonably determines that it would be impractical for the patient to obtain substances prescribed by electronic prescription in a timely manner, and such delay would adversely impact the patient's medical condition; or**

**(11) Issued where the patient specifically requests a written prescription.**

**2. A pharmacist who receives a written, oral, or faxed prescription is not required to verify that the prescription properly falls under one of the exceptions from the requirement to electronically prescribe. Pharmacists may continue to dispense medications from otherwise valid written, oral, or**

fax prescriptions that are consistent with state and federal laws and regulations.

**3. An individual who violates the provisions of this section may be subject to discipline by his or her professional licensing board.**

**195.820. The department of health and senior services may establish through rule promulgation an administration and processing fee, exclusive of any application or license fee established under article XIV of the Missouri Constitution, if the funds in the Missouri veterans' health and care fund are insufficient to provide for the department's administration of the provisions of article XIV. Such fees shall be deposited in the Missouri veterans' health and care fund for use solely for the administration of the department's duties under article XIV. Such administration and processing fee shall not be increased more than once during a one-year period, but may be set to increase or decrease each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency.**

**196.100. 1. Any manufacturer, packer, distributor or seller of drugs or devices in this state shall comply with the current federal labeling requirements contained in the Federal Food, Drug and Cosmetic Act, as amended, and any federal regulations promulgated thereunder. Any drug or device which contains labeling that is not in compliance with the provisions of this section shall be deemed misbranded.**

**2. A drug dispensed on an electronic prescription or a written prescription signed by a licensed physician, dentist, or veterinarian, except a drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to a diagnosis by mail, shall be exempt from the requirements of this section if such physician, dentist, or veterinarian is licensed by law to administer such drug, and such drug bears a label containing the name and place of business of the dispenser, the serial number and date of such prescription, and the name of such physician, dentist, or veterinarian.**

**3. The department is hereby directed to promulgate regulations exempting from any labeling or packaging requirement of sections 196.010 to 196.120, drugs and devices which are, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such drugs and devices are not adulterated or misbranded under the provisions of said sections upon removal from such processing, labeling, or repacking establishment.**

**197.108. 1. The department of health and senior services shall not assign an individual to inspect or survey a hospital, for any purpose, if the inspector or surveyor was an employee of such hospital or another hospital within its organization or a competing hospital within fifty miles of the hospital to be inspected or surveyed in the preceding two years.**

**2. For any inspection or survey of a hospital, regardless of the purpose, the department shall require every newly hired inspector or surveyor at the time of hiring or any currently employed inspector or surveyor as of August 28, 2019, to disclose:**

**(1) The name of every hospital in which he or she has been employed in the last ten years and the approximate length of service and the job title at the hospital; and**

**(2) The name of any member of his or her immediate family who has been employed in the last ten years or is currently employed at a hospital and the approximate length of service and the job title at the hospital.**

**The disclosures under this subsection shall be made to the department whenever the event giving rise to disclosure first occurs.**

**3. For purposes of this section, the phrase “immediate family member” shall mean a husband, wife, natural or adoptive parent, child, sibling, stepparent, stepchild, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, or grandchild.**

**4. The information provided under subsection 2 of this section shall be considered a public record under the provisions of section 610.010.**

**5. Any person may notify the department if facts exist that would lead a reasonable person to conclude that any inspector or surveyor has any personal or business affiliation that would result in a conflict of interest in conducting an inspection or survey for a hospital. Upon receiving such notice, the department, when assigning an inspector or surveyor to inspect or survey a hospital, for any purpose, shall take steps to verify the information and, if the department has reason to believe that such information is correct, the department shall not assign the inspector or surveyor to the hospital or any hospital within its organization so as to avoid an appearance of prejudice or favor to the hospital or bias on the part of the inspector or surveyor.**

198.082. 1. Each **certified** nursing assistant hired to work in a skilled nursing or intermediate care facility after January 1, 1980, shall have successfully completed a nursing assistant training program approved by the department or shall enroll in and begin the first available approved training program which is scheduled to commence within ninety days of the date of the **certified** nursing assistant’s employment and which shall be completed within four months of employment. Training programs shall be offered at any facility licensed [or approved] by the department of health and senior services; **any skilled nursing or intermediate care unit in a Missouri veterans home, as defined in section 42.002; or any hospital, as defined in section 197.020. Training programs shall be** [which is most] reasonably accessible to the enrollees in each class. The program may be established by [the] a skilled nursing or intermediate care facility, **unit, or hospital**; by a professional organization[.]; or by the department, and training shall be given by the personnel of the facility, **unit, or hospital**; by a professional organization[.]; by the department[.]; by any community college; or by the vocational education department of any high school.

2. As used in this section the term “**certified** nursing assistant” means an employee[,] **who has completed the training required under subsection 1 of this section, who has passed the certification exam, and** [including a nurse’s aide or an orderly,] who is assigned by a skilled nursing or intermediate care facility, **unit, or hospital** to provide or assist in the provision of direct resident health care services under the supervision of a nurse licensed under the nursing practice law, chapter 335.

**3. This section shall not apply to any person otherwise regulated or licensed to perform health care services under the laws of this state. It shall not apply to volunteers or to members of religious or fraternal orders which operate and administer the facility, if such volunteers or members work without compensation.**

[3.] **4. The training program [after January 1, 1989, shall consist of at least the following:**

(1) A training program consisting] **requirements shall be defined in regulation by the department and shall require** [of] at least seventy-five classroom hours of training [on basic nursing skills, clinical practice, resident safety and rights, the social and psychological problems of residents, and the methods of handling and caring for mentally confused residents such as those with Alzheimer’s disease and related

disorders,] and one hundred hours supervised and on-the-job training. **On-the-job training sites shall include supervised practical training in a laboratory or other setting in which the trainee demonstrates knowledge while performing tasks on an individual under the direct supervision of a registered nurse or a licensed practical nurse.** The [one hundred hours] training shall be completed within four months of employment and may consist of normal employment as nurse assistants **or hospital nursing support staff** under the supervision of a licensed nurse[]; and

(2) Continuing in-service training to assure continuing competency in existing and new nursing skills. All nursing assistants trained prior to January 1, 1989, shall attend, by August 31, 1989, an entire special retraining program established by rule or regulation of the department which shall contain information on methods of handling mentally confused residents and which may be offered on premises by the employing facility].

[4.] **5. Certified** nursing assistants who have not successfully completed the nursing assistant training program prior to employment may begin duties as a **certified** nursing assistant [only after completing an initial twelve hours of basic orientation approved by the department] and may provide direct resident care only if under the [general] **direct** supervision of a licensed nurse prior to completion of the seventy-five classroom hours of the training program.

**6. The competency evaluation shall be performed in a facility, as defined in 42 CFR Sec. 483.5, or laboratory setting comparable to the setting in which the individual shall function as a certified nursing assistant.**

**7. Persons completing the training requirements of unlicensed assistive personnel under 19 CSR 30-20.125 or its successor regulation, and who have completed the competency evaluation, shall be allowed to sit for the certified nursing assistant examination and be deemed to have fulfilled the classroom and clinical standards for designation as a certified nursing assistant.**

**8. The department of health and senior services may offer additional training programs and certifications to students who are already certified as nursing assistants according to regulations promulgated by the department and curriculum approved by the board.**

208.146. 1. The program established under this section shall be known as the "Ticket to Work Health Assurance Program". Subject to appropriations and in accordance with the federal Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIA), Public Law 106-170, the medical assistance provided for in section 208.151 may be paid for a person who is employed and who:

(1) Except for earnings, meets the definition of disabled under the Supplemental Security Income Program or meets the definition of an employed individual with a medically improved disability under TWWIA;

(2) Has earned income, as defined in subsection 2 of this section;

(3) Meets the asset limits in subsection 3 of this section;

(4) Has net income, as defined in subsection 3 of this section, that does not exceed the limit for permanent and totally disabled individuals to receive nonspenddown MO HealthNet under subdivision (24) of subsection 1 of section 208.151; and

(5) Has a gross income of two hundred fifty percent or less of the federal poverty level, excluding any earned income of the worker with a disability between two hundred fifty and three hundred percent of the

federal poverty level. For purposes of this subdivision, “gross income” includes all income of the person and the person’s spouse that would be considered in determining MO HealthNet eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of section 208.151. Individuals with gross incomes in excess of one hundred percent of the federal poverty level shall pay a premium for participation in accordance with subsection 4 of this section.

2. For income to be considered earned income for purposes of this section, the department of social services shall document that Medicare and Social Security taxes are withheld from such income. Self-employed persons shall provide proof of payment of Medicare and Social Security taxes for income to be considered earned.

3. (1) For purposes of determining eligibility under this section, the available asset limit and the definition of available assets shall be the same as those used to determine MO HealthNet eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of section 208.151 except for:

(a) Medical savings accounts limited to deposits of earned income and earnings on such income while a participant in the program created under this section with a value not to exceed five thousand dollars per year; and

(b) Independent living accounts limited to deposits of earned income and earnings on such income while a participant in the program created under this section with a value not to exceed five thousand dollars per year. For purposes of this section, an “independent living account” means an account established and maintained to provide savings for transportation, housing, home modification, and personal care services and assistive devices associated with such person’s disability.

(2) To determine net income, the following shall be disregarded:

(a) All earned income of the disabled worker;

(b) The first sixty-five dollars and one-half of the remaining earned income of a nondisabled spouse’s earned income;

(c) A twenty dollar standard deduction;

(d) Health insurance premiums;

(e) A seventy-five dollar a month standard deduction for the disabled worker’s dental and optical insurance when the total dental and optical insurance premiums are less than seventy-five dollars;

(f) All Supplemental Security Income payments, and the first fifty dollars of SSDI payments;

(g) A standard deduction for impairment-related employment expenses equal to one-half of the disabled worker’s earned income.

4. Any person whose gross income exceeds one hundred percent of the federal poverty level shall pay a premium for participation in the medical assistance provided in this section. Such premium shall be:

(1) For a person whose gross income is more than one hundred percent but less than one hundred fifty percent of the federal poverty level, four percent of income at one hundred percent of the federal poverty level;

(2) For a person whose gross income equals or exceeds one hundred fifty percent but is less than two hundred percent of the federal poverty level, four percent of income at one hundred fifty percent of the



federal poverty level;

(3) For a person whose gross income equals or exceeds two hundred percent but less than two hundred fifty percent of the federal poverty level, five percent of income at two hundred percent of the federal poverty level;

(4) For a person whose gross income equals or exceeds two hundred fifty percent up to and including three hundred percent of the federal poverty level, six percent of income at two hundred fifty percent of the federal poverty level.

5. Recipients of services through this program shall report any change in income or household size within ten days of the occurrence of such change. An increase in premiums resulting from a reported change in income or household size shall be effective with the next premium invoice that is mailed to a person after due process requirements have been met. A decrease in premiums shall be effective the first day of the month immediately following the month in which the change is reported.

6. If an eligible person's employer offers employer-sponsored health insurance and the department of social services determines that it is more cost effective, such person shall participate in the employer-sponsored insurance. The department shall pay such person's portion of the premiums, co-payments, and any other costs associated with participation in the employer-sponsored health insurance.

7. The provisions of this section shall expire August 28, [2019] **2025.**"; and

Further amend said bill, Page 8, Section 208.151, Line 268, by inserting after all of said section and line the following:

"208.225. 1. To implement fully the provisions of section 208.152, the MO HealthNet division shall calculate the Medicaid per diem reimbursement rates of each nursing home participating in the Medicaid program as a provider of nursing home services based on its costs reported in the Title XIX cost report filed with the MO HealthNet division for its fiscal year as provided in subsection 2 of this section.

2. The recalculation of Medicaid rates to all Missouri facilities will be performed as follows: effective July 1, 2004, the department of social services shall use the Medicaid cost report containing adjusted costs for the facility fiscal year ending in 2001 and redetermine the allowable per-patient day costs for each facility. The department shall recalculate the class ceilings in the patient care, one hundred twenty percent of the median; ancillary, one hundred twenty percent of the median; and administration, one hundred ten percent of the median cost centers. Each facility shall receive as a rate increase one-third of the amount that is unpaid based on the recalculated cost determination.

**3. Any intermediate care facility or skilled nursing facility, as such terms are defined in section 198.006, participating in MO HealthNet that incurs total capital expenditures, as such term is defined in section 197.305, in excess of two thousand dollars per bed shall be entitled to obtain from the MO HealthNet division a recalculation of its Medicaid per diem reimbursement rate based on its additional capital costs or all costs incurred during the facility fiscal year during which such capital expenditures were made. Such recalculated reimbursement rate shall become effective and payable when granted by the MO HealthNet division as of the date of application for a rate adjustment.**

208.790. 1. The applicant shall have or intend to have a fixed place of residence in Missouri, with the present intent of maintaining a permanent home in Missouri for the indefinite future. The burden of establishing proof of residence within this state is on the applicant. The requirement also applies to persons

residing in long-term care facilities located in the state of Missouri.

2. The department shall promulgate rules outlining standards for documenting proof of residence in Missouri. Documents used to show proof of residence shall include the applicant's name and address in the state of Missouri.

3. Applicant household income limits for eligibility shall be subject to appropriations, but in no event shall applicants have household income that is greater than one hundred eighty-five percent of the federal poverty level for the applicable family size for the applicable year as converted to the MAGI equivalent net income standard. [The provisions of this subsection shall only apply to Medicaid dual eligible individuals.]

4. The department shall promulgate rules outlining standards for documenting proof of household income.

**217.930. 1. (1) Medical assistance under MO HealthNet shall be suspended, rather than canceled or terminated, for a person who is an offender in a correctional center if:**

- (a) The department of social services is notified of the person's entry into the correctional center;**
- (b) On the date of entry, the person was enrolled in the MO HealthNet program; and**
- (c) The person is eligible for MO HealthNet except for institutional status.**

**(2) A suspension under this subsection shall end on the date the person is no longer an offender in a correctional center.**

**(3) Upon release from incarceration, such person shall continue to be eligible for receipt of MO HealthNet benefits until such time as the person is otherwise determined to no longer be eligible for the program.**

**2. The department of corrections shall notify the department of social services:**

**(1) Within twenty days after receiving information that a person receiving benefits under MO HealthNet is or will be an offender in a correctional center; and**

**(2) Within forty-five days prior to the release of a person who is qualified for suspension under subsection 1 of this section.**

**208.896. 1. To ensure the availability of comprehensive and cost-effective choices for MO HealthNet participants who have been diagnosed with Alzheimer's or related disorders as defined in section 172.800, to live at home in the community of their choice and to receive support from the caregivers of their choice, the department of social services shall apply to the United States Secretary of Health and Human Services for a structured family caregiver waiver under Section 1915(c) of the federal Social Security Act. Federal approval of the waiver is necessary to implement the provisions of this section. Structured family caregiving shall be considered an agency-directed model, and no financial management services shall be required.**

**2. The structured family caregiver waiver shall include:**

**(1) A choice for participants of qualified and credentialed caregivers, including family caregivers;**

**(2) A choice for participants of community settings in which they receive structured family caregiving. A caregiver may provide structured family caregiving services in the caregiver's home or the participant's home, but the caregiver shall reside full time in the same home as the participant;**

**(3) A requirement that caregivers under this section are added to the family care safety registry and comply with the provisions of sections 210.900 to 210.936;**

**(4) A requirement that all caregivers shall obtain liability insurance as required;**

**(5) A cap of three hundred participants to receive structured family caregiving;**

**(6) A requirement that all organizations serving as structured family caregiving agencies are considered in-home service provider agencies and are accountable for documentation of services delivered, meeting the requirements set forth for these provider agencies, qualification and requalification of caregivers and homes, caregiver training, providing a case manager or registered nurse to create a service plan tailored to each participant's needs, professional staff support for eligible people, ongoing monitoring and support through monthly home visits, deployment of electronic daily notes, and remote consultation with families;**

**(7) Caregivers are accountable for providing for the participant's personal care needs. This includes, but is not limited to, laundry, housekeeping, shopping, transportation, and assistance with activities of daily living;**

**(8) A daily payment rate for services that is adequate to pay stipends to caregivers and pay provider agencies for the cost of providing professional staff support as required under this section and administrative functions required of in-home services provider agencies. The payment to the provider agency is not to exceed thirty-five percent of the daily reimbursement rate; and**

**(9) Daily payment rates for structured family caregiving services that do not exceed sixty percent of the daily nursing home cost cap established by the state each year.**

**3. (1) Within ninety days of the effective date of this section, the department of social services shall, if necessary to implement the provisions of this section, apply to the United States Secretary of Health and Human Services for a structured family caregiver waiver. The department of social services shall request an effective date before July 2, 2020, and shall, by such date, take all administrative actions necessary to ensure timely and equitable availability of structured family caregiving services for home- and community-based care participants.**

**(2) Upon receipt of an approved waiver under subdivision (1) of this subsection, the department of health and senior services shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.**

208.930. 1. As used in this section, the term "department" shall mean the department of health and senior services.

2. Subject to appropriations, the department may provide financial assistance for consumer-directed personal care assistance services through eligible vendors, as provided in sections 208.900 through 208.927, to each person who was participating as a non-MO HealthNet eligible client pursuant to sections 178.661

through 178.673 on June 30, 2005, and who:

- (1) Makes application to the department;
- (2) Demonstrates financial need and eligibility under subsection 3 of this section;
- (3) Meets all the criteria set forth in sections 208.900 through 208.927, except for subdivision (5) of subsection 1 of section 208.903;
- (4) Has been found by the department of social services not to be eligible to participate under guidelines established by the MO HealthNet plan; and
- (5) Does not have access to affordable employer-sponsored health care insurance or other affordable health care coverage for personal care assistance services as defined in section 208.900. For purposes of this section, “access to affordable employer-sponsored health care insurance or other affordable health care coverage” refers to health insurance requiring a monthly premium less than or equal to one hundred thirty-three percent of the monthly average premium required in the state’s current Missouri consolidated health care plan.

Payments made by the department under the provisions of this section shall be made only after all other available sources of payment have been exhausted.

3. (1) In order to be eligible for financial assistance for consumer-directed personal care assistance services under this section, a person shall demonstrate financial need, which shall be based on the adjusted gross income and the assets of the person seeking financial assistance and such person’s spouse.

(2) In order to demonstrate financial need, a person seeking financial assistance under this section and such person’s spouse must have an adjusted gross income, less disability-related medical expenses, as approved by the department, that is equal to or less than three hundred percent of the federal poverty level. The adjusted gross income shall be based on the most recent income tax return.

(3) No person seeking financial assistance for personal care services under this section and such person’s spouse shall have assets in excess of two hundred fifty thousand dollars.

4. The department shall require applicants and the applicant’s spouse, and consumers and the consumer’s spouse, to provide documentation for income, assets, and disability-related medical expenses for the purpose of determining financial need and eligibility for the program. In addition to the most recent income tax return, such documentation may include, but shall not be limited to:

- (1) Current wage stubs for the applicant or consumer and the applicant’s or consumer’s spouse;
- (2) A current W-2 form for the applicant or consumer and the applicant’s or consumer’s spouse;
- (3) Statements from the applicant’s or consumer’s and the applicant’s or consumer’s spouse’s employers;
- (4) Wage matches with the division of employment security;
- (5) Bank statements; and
- (6) Evidence of disability-related medical expenses and proof of payment.

5. A personal care assistance services plan shall be developed by the department pursuant to section 208.906 for each person who is determined to be eligible and in financial need under the provisions of this section. The plan developed by the department shall include the maximum amount of financial assistance

allowed by the department, subject to appropriation, for such services.

6. Each consumer who participates in the program is responsible for a monthly premium equal to the average premium required for the Missouri consolidated health care plan; provided that the total premium described in this section shall not exceed five percent of the consumer's and the consumer's spouse's adjusted gross income for the year involved.

7. (1) Nonpayment of the premium required in subsection 6 shall result in the denial or termination of assistance, unless the person demonstrates good cause for such nonpayment.

(2) No person denied services for nonpayment of a premium shall receive services unless such person shows good cause for nonpayment and makes payments for past-due premiums as well as current premiums.

(3) Any person who is denied services for nonpayment of a premium and who does not make any payments for past-due premiums for sixty consecutive days shall have their enrollment in the program terminated.

(4) No person whose enrollment in the program is terminated for nonpayment of a premium when such nonpayment exceeds sixty consecutive days shall be reenrolled unless such person pays any past-due premiums as well as current premiums prior to being reenrolled. Nonpayment shall include payment with a returned, refused, or dishonored instrument.

8. (1) Consumers determined eligible for personal care assistance services under the provisions of this section shall be reevaluated annually to verify their continued eligibility and financial need. The amount of financial assistance for consumer-directed personal care assistance services received by the consumer shall be adjusted or eliminated based on the outcome of the reevaluation. Any adjustments made shall be recorded in the consumer's personal care assistance services plan.

(2) In performing the annual reevaluation of financial need, the department shall annually send a reverification eligibility form letter to the consumer requiring the consumer to respond within ten days of receiving the letter and to provide income and disability-related medical expense verification documentation. If the department does not receive the consumer's response and documentation within the ten-day period, the department shall send a letter notifying the consumer that he or she has ten days to file an appeal or the case will be closed.

(3) The department shall require the consumer and the consumer's spouse to provide documentation for income and disability-related medical expense verification for purposes of the eligibility review. Such documentation may include but shall not be limited to the documentation listed in subsection 4 of this section.

9. (1) Applicants for personal care assistance services and consumers receiving such services pursuant to this section are entitled to a hearing with the department of social services if eligibility for personal care assistance services is denied, if the type or amount of services is set at a level less than the consumer believes is necessary, if disputes arise after preparation of the personal care assistance plan concerning the provision of such services, or if services are discontinued as provided in section 208.924. Services provided under the provisions of this section shall continue during the appeal process.

(2) A request for such hearing shall be made to the department of social services in writing in the form prescribed by the department of social services within ninety days after the mailing or delivery of the written decision of the department of health and senior services. The procedures for such requests and for the

hearings shall be as set forth in section 208.080.

10. Unless otherwise provided in this section, all other provisions of sections 208.900 through 208.927 shall apply to individuals who are eligible for financial assistance for personal care assistance services under this section.

11. The department may promulgate rules and regulations, including emergency rules, to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. Any provisions of the existing rules regarding the personal care assistance program promulgated by the department of elementary and secondary education in title 5, code of state regulations, division 90, chapter 7, which are inconsistent with the provisions of this section are void and of no force and effect.

12. The provisions of this section shall expire on June 30, [2019] **2025**.

221.111. 1. A person commits the offense of possession of unlawful items in a prison or jail if such person knowingly delivers, attempts to deliver, possesses, deposits, or conceals in or about the premises of any correctional center as the term “correctional center” is defined under section 217.010, or any city, county, or private jail:

(1) Any controlled substance as that term is defined by law, except upon the written **or electronic** prescription of a licensed physician, dentist, or veterinarian;

(2) Any other alkaloid of any kind or any intoxicating liquor as the term intoxicating liquor is defined in section 311.020;

(3) Any article or item of personal property which a prisoner is prohibited by law, by rule made pursuant to section 221.060, or by regulation of the department of corrections from receiving or possessing, except as herein provided;

(4) Any gun, knife, weapon, or other article or item of personal property that may be used in such manner as to endanger the safety or security of the institution or as to endanger the life or limb of any prisoner or employee thereof.

2. The violation of subdivision (1) of subsection 1 of this section shall be a class D felony; the violation of subdivision (2) of this section shall be a class E felony; the violation of subdivision (3) of this section shall be a class A misdemeanor; and the violation of subdivision (4) of this section shall be a class B felony.

3. The chief operating officer of a county or city jail or other correctional facility or the administrator of a private jail may deny visitation privileges to or refer to the county prosecuting attorney for prosecution any person who knowingly delivers, attempts to deliver, possesses, deposits, or conceals in or about the premises of such jail or facility any personal item which is prohibited by rule or regulation of such jail or facility. Such rules or regulations, including a list of personal items allowed in the jail or facility, shall be prominently posted for viewing both inside and outside such jail or facility in an area accessible to any visitor, and shall be made available to any person requesting such rule or regulation. Violation of this subsection shall be an infraction if not covered by other statutes.

4. Any person who has been found guilty of a violation of subdivision (2) of subsection 1 of this section involving any alkaloid shall be entitled to expungement of the record of the violation. The procedure to expunge the record shall be pursuant to section 610.123. The record of any person shall not be expunged

if such person has been found guilty of knowingly delivering, attempting to deliver, possessing, depositing, or concealing any alkaloid of any controlled substance in or about the premises of any correctional center, or city or county jail, or private prison or jail.

**221.125. 1. (1) Medical assistance under MO HealthNet shall be suspended, rather than canceled or terminated, for a person who is an offender in a county jail, a city jail, or a private jail if:**

- (a) The department of social services is notified of the person's entry into the jail;**
- (b) On the date of entry, the person was enrolled in the MO HealthNet program; and**
- (c) The person is eligible for MO HealthNet except for institutional status.**

**(2) A suspension under this subsection shall end on the date the person is no longer an offender in a jail.**

**(3) Upon release from incarceration, such person shall continue to be eligible for receipt of MO HealthNet benefits until such time as the person is otherwise determined to no longer be eligible for the program.**

**2. City, county, and private jails shall notify the department of social services within ten days after receiving information that a person receiving medical assistance under MO HealthNet is or will be an offender in the jail.**

**332.361. 1. For purposes of this section, the following terms shall mean:**

- (1) "Acute pain", shall have the same meaning as in section 195.010;**
- (2) "Long-acting or extended-release opioids", formulated in such a manner as to make the contained medicament available over an extended period of time following ingestion.**

**2. Any duly registered and currently licensed dentist in Missouri may write, and any pharmacist in Missouri who is currently licensed under the provisions of chapter 338 and any amendments thereto, may fill any prescription of a duly registered and currently licensed dentist in Missouri for any drug necessary or proper in the practice of dentistry, provided that no such prescription is in violation of either the Missouri or federal narcotic drug act.**

**[2.] 3. Any duly registered and currently licensed dentist in Missouri may possess, have under his control, prescribe, administer, dispense, or distribute a "controlled substance" as that term is defined in section 195.010 only to the extent that:**

- (1) The dentist possesses the requisite valid federal and state registration to distribute or dispense that class of controlled substance;**
- (2) The dentist prescribes, administers, dispenses, or distributes the controlled substance in the course of his professional practice of dentistry, and for no other reason;**
- (3) A bona fide dentist-patient relationship exists; and**
- (4) The dentist possesses, has under his control, prescribes, administers, dispenses, or distributes the controlled substance in accord with all pertinent requirements of the federal and Missouri narcotic drug and controlled substances acts, including the keeping of records and inventories when required therein.**

**4. Long-acting or extended-release opioids shall not be used for the treatment of acute pain. If in the professional judgement of the dentist, a long-acting or extended-release opioid is necessary to treat**

**the patient, the dentist shall document and explain in the patient's dental record the reason for the necessity for the long-acting or extended-release opioid.**

**5. Dentists shall avoid prescribing doses greater than fifty morphine milligram equivalent (MME) per day for treatment of acute pain. If in the professional judgement of the dentist, doses greater than fifty MME are necessary to treat the patient, the dentist shall document and explain in the patient's dental record the reason for the necessity for the dose greater than fifty MME. The relative potency of opioids is represented by a value assigned to individual opioids known as a morphine milligram equivalent (MME). The MME value represents how many milligrams of a particular opioid is equivalent to one milligram of morphine. The Missouri dental board shall maintain a MME conversion chart and instructions for calculating MME on its website to assist licensees with calculating MME.**

334.037. 1. A physician may enter into collaborative practice arrangements with assistant physicians. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to an assistant physician the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the assistant physician and is consistent with that assistant physician's skill, training, and competence and the skill and training of the collaborating physician.

2. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the assistant physician;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the assistant physician to prescribe;

(3) A requirement that there shall be posted at every office where the assistant physician is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an assistant physician and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the assistant physician;

(5) The manner of collaboration between the collaborating physician and the assistant physician, including how the collaborating physician and the assistant physician shall:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity; except, the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by Pub. L. 95-210 (42 U.S.C. Section 1395x), as amended, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. Such exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics if the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics if the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician shall maintain documentation related to such requirement and



present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the assistant physician's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the assistant physician to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the assistant physician;

(8) The duration of the written practice agreement between the collaborating physician and the assistant physician;

(9) A description of the time and manner of the collaborating physician's review of the assistant physician's delivery of health care services. The description shall include provisions that the assistant physician shall submit a minimum of ten percent of the charts documenting the assistant physician's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the assistant physician prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

3. The state board of registration for the healing arts under section 334.125 shall promulgate rules regulating the use of collaborative practice arrangements for assistant physicians. Such rules shall specify:

(1) Geographic areas to be covered;

(2) The methods of treatment that may be covered by collaborative practice arrangements;

(3) In conjunction with deans of medical schools and primary care residency program directors in the state, the development and implementation of educational methods and programs undertaken during the collaborative practice service which shall facilitate the advancement of the assistant physician's medical knowledge and capabilities, and which may lead to credit toward a future residency program for programs that deem such documented educational achievements acceptable; and

(4) The requirements for review of services provided under collaborative practice arrangements, including delegating authority to prescribe controlled substances.

Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. The state board of registration for the healing arts shall promulgate rules applicable to assistant physicians that shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150- 5.100 as of April 30, 2008.

4. The state board of registration for the healing arts shall not deny, revoke, suspend, or otherwise take disciplinary action against a collaborating physician for health care services delegated to an assistant physician provided the provisions of this section and the rules promulgated thereunder are satisfied.

5. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice arrangement, including collaborative practice arrangements delegating the authority to prescribe controlled substances, and also report to the board the name of each assistant physician with whom the physician has entered into such arrangement. The board may make such information available to the public. The board shall track the reported information and may routinely conduct random reviews of such arrangements to ensure that arrangements are carried out for compliance under this chapter.

6. A collaborating physician [or supervising physician] shall not enter into a collaborative practice arrangement [or supervision agreement] with more than six full-time equivalent assistant physicians, full-time equivalent physician assistants, or full-time equivalent advance practice registered nurses, or any combination thereof. Such limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008, or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of section 334.104.

7. The collaborating physician shall determine and document the completion of at least a one-month period of time during which the assistant physician shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. No rule or regulation shall require the collaborating physician to review more than ten percent of the assistant physician's patient charts or records during such one-month period. Such limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

8. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

9. No contract or other agreement shall require a physician to act as a collaborating physician for an assistant physician against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular assistant physician. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any assistant physician, but such requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by a hospital's medical staff.

10. No contract or other agreement shall require any assistant physician to serve as a collaborating assistant physician for any collaborating physician against the assistant physician's will. An assistant physician shall have the right to refuse to collaborate, without penalty, with a particular physician.

11. All collaborating physicians and assistant physicians in collaborative practice arrangements shall wear identification badges while acting within the scope of their collaborative practice arrangement. The identification badges shall prominently display the licensure status of such collaborating physicians and

assistant physicians.

12. (1) An assistant physician with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in Schedule III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated the authority to prescribe controlled substances in a collaborative practice arrangement. Prescriptions for Schedule II medications prescribed by an assistant physician who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone. Such authority shall be filed with the state board of registration for the healing arts. The collaborating physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the assistant physician is permitted to prescribe. Any limitations shall be listed in the collaborative practice arrangement. Assistant physicians shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day supply without refill, except that buprenorphine may be prescribed for up to a thirty-day supply without refill for patients receiving medication-assisted treatment for substance use disorders under the direction of the collaborating physician. Assistant physicians who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

(2) The collaborating physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the assistant physician during which the assistant physician shall practice with the collaborating physician on-site prior to prescribing controlled substances when the collaborating physician is not on-site. Such limitation shall not apply to assistant physicians of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009, or assistant physicians providing opioid addiction treatment.

(3) An assistant physician shall receive a certificate of controlled substance prescriptive authority from the state board of registration for the healing arts upon verification of licensure under section 334.036.

13. Nothing in this section or section 334.036 shall be construed to limit the authority of hospitals or hospital medical staff to make employment or medical staff credentialing or privileging decisions.

334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice registered nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in

Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services. An advanced practice registered nurse may prescribe buprenorphine for up to a thirty-day supply without refill for patients receiving medication-assisted treatment for substance use disorders under the direction of the collaborating physician.

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, except the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. This exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics where the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician is required to maintain documentation related to this requirement and to present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced

practice registered nurse;

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including delegating authority to prescribe controlled substances. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, including collaborative practice agreements delegating the authority to prescribe controlled substances, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone.

8. A collaborating physician [or supervising physician] shall not enter into a collaborative practice arrangement [or supervision agreement] with more than six full-time equivalent advanced practice registered nurses, full-time equivalent licensed physician assistants, or full-time equivalent assistant physicians, or any combination thereof. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150- 5.100 as of April 30, 2008, or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of this section.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other agreement shall require any advanced practice registered nurse to serve as a

collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.

334.108. 1. Prior to prescribing any drug, controlled substance, or other treatment through telemedicine, as defined in section 191.1145, or the internet, a physician shall establish a valid physician-patient relationship as described in section 191.1146. This relationship shall include:

(1) Obtaining a reliable medical history and performing a physical examination of the patient, adequate to establish the diagnosis for which the drug is being prescribed and to identify underlying conditions or contraindications to the treatment recommended or provided;

(2) Having sufficient dialogue with the patient regarding treatment options and the risks and benefits of treatment or treatments;

(3) If appropriate, following up with the patient to assess the therapeutic outcome;

(4) Maintaining a contemporaneous medical record that is readily available to the patient and, subject to the patient's consent, to the patient's other health care professionals; and

(5) Maintaining the electronic prescription information as part of the patient's medical record.

2. The requirements of subsection 1 of this section may be satisfied by the prescribing physician's designee when treatment is provided in:

(1) A hospital as defined in section 197.020;

(2) A hospice program as defined in section 197.250;

(3) Home health services provided by a home health agency as defined in section 197.400;

(4) Accordance with a collaborative practice agreement as defined in section 334.104;

(5) Conjunction with a physician assistant licensed pursuant to section 334.738;

(6) Conjunction with an assistant physician licensed under section 334.036;

(7) Consultation with another physician who has an ongoing physician-patient relationship with the patient, and who has agreed to supervise the patient's treatment, including use of any prescribed medications; or

(8) On-call or cross-coverage situations.

3. No health care provider, as defined in section 376.1350, shall prescribe any drug, controlled substance, or other treatment to a patient based solely on an evaluation over the telephone; except that, a physician[, or such physician's on-call designee, or an advanced practice registered nurse, a **physician assistant, or an assistant physician** in a collaborative practice arrangement with such physician, [a physician assistant in a supervision agreement with such physician, or an assistant physician in a supervision agreement with such physician] may prescribe any drug, controlled substance, or other treatment that is within his or her scope of practice to a patient based solely on a telephone evaluation if a previously established and ongoing physician-patient relationship exists between such physician and the patient being treated.

4. No health care provider shall prescribe any drug, controlled substance, or other treatment to a patient based solely on an internet request or an internet questionnaire.

334.735. 1. As used in sections 334.735 to 334.749, the following terms mean:

- (1) “Applicant”, any individual who seeks to become licensed as a physician assistant;
- (2) “Certification” or “registration”, a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;
- (3) “Certifying entity”, the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;
- (4) **“Collaborative practice arrangement”, written agreements, jointly agreed upon protocols, or standing orders, all of which shall be in writing, for the delivery of health care services;**
- (5) “Department”, the department of insurance, financial institutions and professional registration or a designated agency thereof;

[(5)] (6) “License”, a document issued to an applicant by the board acknowledging that the applicant is entitled to practice as a physician assistant;

[(6)] (7) “Physician assistant”, a person who has graduated from a physician assistant program accredited by the [American Medical Association’s Committee on Allied Health Education and Accreditation or by its successor agency] **Accreditation Review Commission on Education for the Physician Assistant or its successor agency, prior to 2001, or the Committee on Allied Health Education and Accreditation or the Commission on Accreditation of Allied Health Education Programs**, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;

[(7)] (8) “Recognition”, the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749;

[(8)] “Supervision”, control exercised over a physician assistant working with a supervising physician and oversight of the activities of and accepting responsibility for the physician assistant’s delivery of care. The physician assistant shall only practice at a location where the physician routinely provides patient care, except existing patients of the supervising physician in the patient’s home and correctional facilities. The supervising physician must be immediately available in person or via telecommunication during the time the physician assistant is providing patient care. Prior to commencing practice, the supervising physician and physician assistant shall attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant’s training and that the physician assistant shall not practice beyond the physician assistant’s training and experience. Appropriate supervision shall require the supervising physician to be working within the same facility as the physician assistant for at least four hours within one calendar day for every fourteen days on which the physician assistant provides patient care as described in subsection 3 of this section. Only days in which the physician assistant provides patient care as described in subsection 3 of this section shall be counted toward the fourteen-day period. The requirement of appropriate supervision shall be applied so that no more than thirteen calendar days in which a physician assistant provides patient care shall pass between the physician’s four hours working within the same facility. The board shall promulgate rules pursuant to chapter 536 for documentation of joint review



of the physician assistant activity by the supervising physician and the physician assistant.

2. (1) A supervision agreement shall limit the physician assistant to practice only at locations described in subdivision (8) of subsection 1 of this section, within a geographic proximity to be determined by the board of registration for the healing arts.

(2) For a physician-physician assistant team working in a certified community behavioral health clinic as defined by P.L. 113-93 and a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended, or a federally qualified health center as defined in 42 U.S.C. Section 1395 of the Public Health Service Act, as amended, no supervision requirements in addition to the minimum federal law shall be required.

3.] **2.** The scope of practice of a physician assistant shall consist only of the following services and procedures:

(1) Taking patient histories;

(2) Performing physical examinations of a patient;

(3) Performing or assisting in the performance of routine office laboratory and patient screening procedures;

(4) Performing routine therapeutic procedures;

(5) Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;

(6) Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved by a [licensed] **collaborating** physician;

(7) Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a licensed physician;

(8) Assisting in surgery; **and**

(9) Performing such other tasks not prohibited by law under the [supervision of] **collaborative practice arrangement with** a licensed physician as the physician['s] assistant has been trained and is proficient to perform[; and

(10)].

**3.** Physician assistants shall not perform or prescribe abortions.

4. Physician assistants shall not prescribe any drug, medicine, device or therapy unless pursuant to a [physician supervision agreement] **collaborative practice arrangement** in accordance with the law, nor prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual power or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a [physician assistant supervision agreement] **collaborative practice arrangement** which is specific to the clinical conditions treated by the supervising physician and the physician assistant shall be subject to the following:

(1) A physician assistant shall only prescribe controlled substances in accordance with section 334.747;

(2) The types of drugs, medications, devices or therapies prescribed by a physician assistant shall be consistent with the scopes of practice of the physician assistant and the [supervising] **collaborating** physician;

(3) All prescriptions shall conform with state and federal laws and regulations and shall include the name, address and telephone number of the physician assistant and the supervising physician;

(4) A physician assistant, or advanced practice registered nurse as defined in section 335.016 may request, receive and sign for noncontrolled professional samples and may distribute professional samples to patients; and

(5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the [supervising] **collaborating** physician is not qualified or authorized to prescribe.

5. A physician assistant shall clearly identify himself or herself as a physician assistant and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician assistant shall practice or attempt to practice without physician [supervision] **collaboration** or in any location where the [supervising] **collaborating** physician is not immediately available for consultation, assistance and intervention, except as otherwise provided in this section, and in an emergency situation, nor shall any physician assistant bill a patient independently or directly for any services or procedure by the physician assistant; except that, nothing in this subsection shall be construed to prohibit a physician assistant from enrolling with a **third party plan** or the department of social services as a MO HealthNet or Medicaid provider while acting under a [supervision agreement] **collaborative practice arrangement** between the physician and physician assistant.

6. [For purposes of this section, the] **The** licensing of physician assistants shall take place within processes established by the state board of registration for the healing arts through rule and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536 establishing licensing and renewal procedures, [supervision, supervision agreements] **collaboration, collaborative practice arrangements**, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensing may be denied or the license of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335 shall not be required to be licensed as physician assistants. All applicants for physician assistant licensure who complete a physician assistant training program after January 1, 2008, shall have a master's degree from a physician assistant program.

7. ["Physician assistant supervision agreement" means a written agreement, jointly agreed-upon protocols or standing order between a supervising physician and a physician assistant, which provides for the delegation of health care services from a supervising physician to a physician assistant and the review of such services. The agreement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, telephone numbers, and state license numbers of the supervising physician and the physician assistant;

(2) A list of all offices or locations where the physician routinely provides patient care, and in which of such offices or locations the supervising physician has authorized the physician assistant to practice;

(3) All specialty or board certifications of the supervising physician;

(4) The manner of supervision between the supervising physician and the physician assistant, including how the supervising physician and the physician assistant shall:

(a) Attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and experience and that the physician assistant shall not practice beyond the scope of the physician assistant's training and experience nor the supervising physician's capabilities and training; and

(b) Provide coverage during absence, incapacity, infirmity, or emergency by the supervising physician;

(5) The duration of the supervision agreement between the supervising physician and physician assistant; and

(6) A description of the time and manner of the supervising physician's review of the physician assistant's delivery of health care services. Such description shall include provisions that the supervising physician, or a designated supervising physician listed in the supervision agreement review a minimum of ten percent of the charts of the physician assistant's delivery of health care services every fourteen days.

8. When a physician assistant supervision agreement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the supervising physician or other physician designated in the supervision agreement shall see the patient for evaluation and approve or formulate the plan of treatment for new or significantly changed conditions as soon as practical, but in no case more than two weeks after the patient has been seen by the physician assistant.

9.] At all times the physician is responsible for the oversight of the activities of, and accepts responsibility for, health care services rendered by the physician assistant.

[10. It is the responsibility of the supervising physician to determine and document the completion of at least a one-month period of time during which the licensed physician assistant shall practice with a supervising physician continuously present before practicing in a setting where a supervising physician is not continuously present.

**11.] 8. A physician may enter into collaborative practice arrangements with physician assistants. Collaborative practice arrangements, which shall be in writing, may delegate to a physician assistant the authority to prescribe, administer, or dispense drugs and provide treatment which is within the skill, training, and competence of the physician assistant. Collaborative practice arrangements may delegate to a physician assistant, as defined in section 334.735, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone. Schedule III narcotic controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of a written arrangement, jointly agreed-upon protocols, or standing orders for the delivery of health care services.**

**9. The written collaborative practice arrangement shall contain at least the following provisions:**

**(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the physician assistant;**

**(2) A list of all other offices or locations, other than those listed in subdivision (1) of this subsection, where the collaborating physician has authorized the physician assistant to prescribe;**

**(3) A requirement that there shall be posted at every office where the physician assistant is**

authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by a physician assistant and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the physician assistant;

(5) The manner of collaboration between the collaborating physician and the physician assistant, including how the collaborating physician and the physician assistant will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, as determined by the board of registration for the healing arts; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency of the collaborating physician;

(6) A list of all other written collaborative practice arrangements of the collaborating physician and the physician assistant;

(7) The duration of the written practice arrangement between the collaborating physician and the physician assistant;

(8) A description of the time and manner of the collaborating physician's review of the physician assistant's delivery of health care services. The description shall include provisions that the physician assistant shall submit a minimum of ten percent of the charts documenting the physician assistant's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days. Reviews may be conducted electronically;

(9) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the physician assistant prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (8) of this subsection; and

(10) A statement that no collaboration requirements in addition to the federal law shall be required for a physician-physician assistant team working in a certified community behavioral health clinic as defined by Pub.L. 113-93, or a rural health clinic under the federal Rural Health Services Act, Pub.L. 95-210, as amended, or a federally qualified health center as defined in 42 U.S.C. Section 1395 of the Public Health Service Act, as amended.

10. The state board of registration for the healing arts under section 334.125 may promulgate rules regulating the use of collaborative practice arrangements.

11. The state board of registration for the healing arts shall not deny, revoke, suspend, or otherwise take disciplinary action against a collaborating physician for health care services delegated to a physician assistant, provided that the provisions of this section and the rules promulgated thereunder are satisfied.

**12. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice arrangement, including collaborative practice arrangements delegating the authority to prescribe controlled substances, and also report to the board the name of each physician assistant with whom the physician has entered into such arrangement. The board may make such information available to the public. The board shall track the reported information and may routinely conduct random reviews of such arrangements to ensure that the arrangements are carried out in compliance with this chapter.**

**13. The collaborating physician shall determine and document the completion of a period of time during which the physician assistant shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2009.**

**14. No contract or other [agreement] arrangement shall require a physician to act as a [supervising] collaborating physician for a physician assistant against the physician's will. A physician shall have the right to refuse to act as a supervising physician, without penalty, for a particular physician assistant. No contract or other agreement shall limit the [supervising] collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any physician assistant[, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by the hospital's medical staff]. No contract or other arrangement shall require any physician assistant to collaborate with any physician against the physician assistant's will. A physician assistant shall have the right to refuse to collaborate, without penalty, with a particular physician.**

[12.] **15. Physician assistants shall file with the board a copy of their [supervising] collaborating physician form.**

[13.] **16. No physician shall be designated to serve as [supervising physician or] a collaborating physician for more than six full-time equivalent licensed physician assistants, full-time equivalent advanced practice registered nurses, or full-time equivalent assistant physicians, or any combination thereof. This limitation shall not apply to physician assistant [agreements] collaborative practice arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197, or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of section 334.104.**

**17. No arrangement made under this section shall supercede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital, as defined in section 197.020, if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.**

334.736. Notwithstanding any other provision of sections 334.735 to 334.749, the board may issue without examination a temporary license to practice as a physician assistant. Upon the applicant paying a temporary license fee and the submission of all necessary documents as determined by the board, the board may grant a temporary license to any person who meets the qualifications provided in [section] **sections**

334.735 to 334.749 which shall be valid until the results of the next examination are announced. The temporary license may be renewed at the discretion of the board and upon payment of the temporary license fee.

334.747. 1. A physician assistant with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in Schedule III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated the authority to prescribe controlled substances in a [supervision agreement] **collaborative practice arrangement**. Such authority shall be listed on the [supervision verification] **collaborating physician** form on file with the state board of healing arts. The [supervising] **collaborating** physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the physician assistant is permitted to prescribe. Any limitations shall be listed on the [supervision] **collaborating physician** form. Prescriptions for Schedule II medications prescribed by a physician assistant with authority to prescribe delegated in a [supervision agreement] **collaborative practice arrangement** are restricted to only those medications containing hydrocodone. Physician assistants shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day supply without refill, except that buprenorphine may be prescribed for up to a thirty-day supply without refill for patients receiving medication-assisted treatment for substance use disorders under the direction of the [supervising] **collaborating** physician. Physician assistants who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

2. The [supervising] **collaborating** physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the physician assistant during which the physician assistant shall practice with the [supervising] **collaborating** physician on-site prior to prescribing controlled substances when the [supervising] **collaborating** physician is not on-site. Such limitation shall not apply to physician assistants of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

3. A physician assistant shall receive a certificate of controlled substance prescriptive authority from the board of healing arts upon verification of the completion of the following educational requirements:

(1) Successful completion of an advanced pharmacology course that includes clinical training in the prescription of drugs, medicines, and therapeutic devices. A course or courses with advanced pharmacological content in a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency shall satisfy such requirement;

(2) Completion of a minimum of three hundred clock hours of clinical training by the [supervising] **collaborating** physician in the prescription of drugs, medicines, and therapeutic devices;

(3) Completion of a minimum of one year of supervised clinical practice or supervised clinical rotations. One year of clinical rotations in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency, which includes pharmacotherapeutics as a component of its clinical training, shall satisfy such requirement. Proof of such training shall serve to document experience in the prescribing of drugs, medicines, and therapeutic devices;

(4) A physician assistant previously licensed in a jurisdiction where physician assistants are authorized

to prescribe controlled substances may obtain a state bureau of narcotics and dangerous drugs registration if a [supervising] **collaborating** physician can attest that the physician assistant has met the requirements of subdivisions (1) to (3) of this subsection and provides documentation of existing federal Drug Enforcement Agency registration.

334.749. 1. There is hereby established an “Advisory Commission for Physician Assistants” which shall guide, advise and make recommendations to the board. The commission shall also be responsible for the ongoing examination of the scope of practice and promoting the continuing role of physician assistants in the delivery of health care services. The commission shall assist the board in carrying out the provisions of sections 334.735 to 334.749.

2. The commission shall be appointed no later than October 1, 1996, and shall consist of five members, one member of the board, two licensed physician assistants, one physician and one lay member. The two licensed physician assistant members, the physician member and the lay member shall be appointed by the director of the division of professional registration. Each licensed physician assistant member shall be a citizen of the United States and a resident of this state, and shall be licensed as a physician assistant by this state. The physician member shall be a United States citizen, a resident of this state, have an active Missouri license to practice medicine in this state and shall be a [supervising] **collaborating** physician, at the time of appointment, to a licensed physician assistant. The lay member shall be a United States citizen and a resident of this state. The licensed physician assistant members shall be appointed to serve three-year terms, except that the first commission appointed shall consist of one member whose term shall be for one year and one member whose term shall be for two years. The physician member and lay member shall each be appointed to serve a three-year term. No physician assistant member nor the physician member shall be appointed for more than two consecutive three-year terms. The president of the Missouri Academy of Physicians Assistants in office at the time shall, at least ninety days prior to the expiration of a term of a physician assistant member of a commission member or as soon as feasible after such a vacancy on the commission otherwise occurs, submit to the director of the division of professional registration a list of five physician assistants qualified and willing to fill the vacancy in question, with the request and recommendation that the director appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri Academy of Physicians Assistants shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association.

3. Notwithstanding any other provision of law to the contrary, any appointed member of the commission shall receive as compensation an amount established by the director of the division of professional registration not to exceed seventy dollars per day for commission business plus actual and necessary expenses. The director of the division of professional registration shall establish by rule guidelines for payment. All staff for the commission shall be provided by the state board of registration for the healing arts.

4. The commission shall hold an open annual meeting at which time it shall elect from its membership a chairman and secretary. The commission may hold such additional meetings as may be required in the performance of its duties, provided that notice of every meeting shall be given to each member at least ten days prior to the date of the meeting. A quorum of the commission shall consist of a majority of its members.

5. On August 28, 1998, all members of the advisory commission for registered physician assistants shall become members of the advisory commission for physician assistants and their successor shall be appointed

in the same manner and at the time their terms would have expired as members of the advisory commission for registered physician assistants.

335.175. 1. No later than January 1, 2014, there is hereby established within the state board of registration for the healing arts and the state board of nursing the “Utilization of Telehealth by Nurses”. An advanced practice registered nurse (APRN) providing nursing services under a collaborative practice arrangement under section 334.104 may provide such services outside the geographic proximity requirements of section 334.104 if the collaborating physician and advanced practice registered nurse utilize telehealth in the care of the patient and if the services are provided in a rural area of need. Telehealth providers shall be required to obtain patient consent before telehealth services are initiated and ensure confidentiality of medical information.

2. As used in this section, “telehealth” shall have the same meaning as such term is defined in section 191.1145.

3. (1) The boards shall jointly promulgate rules governing the practice of telehealth under this section. Such rules shall address, but not be limited to, appropriate standards for the use of telehealth.

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

4. For purposes of this section, “rural area of need” means any rural area of this state which is located in a health professional shortage area as defined in section 354.650.

[5. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2013, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]

337.712. 1. Applications for licensure as a marital and family therapist shall be in writing, submitted to the committee on forms prescribed by the committee and furnished to the applicant. **The form shall include a statement that the applicant has completed two hours of suicide assessment, referral, treatment, and management training.** The application shall contain the applicant’s statements showing the applicant’s education, experience and such other information as the committee may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the division.

2. The division shall mail a renewal notice to the last known address of each licensee prior to the licensure renewal date. Failure to provide the division with the information required for licensure, or to pay



the licensure fee after such notice shall result in the expiration of the license. The license shall be restored if, within two years of the licensure date, the applicant provides written application and the payment of the licensure fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the division upon payment of a fee.

4. The committee shall set the amount of the fees authorized. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.700 to 337.739. All fees provided for in sections 337.700 to 337.739 shall be collected by the director who shall deposit the same with the state treasurer to a fund to be known as the "Marital and Family Therapists' Fund".

5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriations from the marital and family therapists' fund for the preceding fiscal year or, if the division requires by rule renewal less frequently than yearly then three times the appropriation from the fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the marital and family therapists' fund for the preceding fiscal year.

338.010. 1. The "practice of pharmacy" means the interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is higher, or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral influenza vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices; **the prescribing and dispensing of any nicotine replacement therapy product under section 338.665;** and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he **or she** is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a [supervision agreement] **collaborative practice arrangement** under section 334.735.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

11. “Veterinarian”, “doctor of veterinary medicine”, “practitioner of veterinary medicine”, “DVM”, “VMD”, “BVSe”, “BVMS”, “BSe (Vet Science)”, “VMB”, “MRCVS”, or an equivalent title means a person who has received a doctor’s degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

12. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines by protocol in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

(3) In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

13. A pharmacist shall inform the patient that the administration of the vaccine will be entered into the ShowMeVax system, as administered by the department of health and senior services. The patient shall attest to the inclusion of such information in the system by signing a form provided by the pharmacist. If the patient indicates that he or she does not want such information entered into the ShowMeVax system, the pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient’s primary health care provider, if provided by the patient, containing:

- (1) The identity of the patient;
- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration.

338.015. 1. The provisions of sections 338.010 to 338.015 shall not be construed to inhibit the patient’s freedom of choice to obtain prescription services from any licensed pharmacist. However, nothing in sections 338.010 to 338.315 abrogates the patient’s ability to waive freedom of choice under any contract with regard to payment or coverage of prescription expense.

2. All pharmacists may provide pharmaceutical consultation and advice to persons concerning the safe and therapeutic use of their prescription drugs.

3. All patients shall have the right to receive a written prescription from their prescriber to take to the facility of their choice **or to have an electronic prescription transmitted to the facility of their choice.**

338.055. 1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section or if the designated pharmacist-in-charge, manager-in-charge, or any officer, owner, manager, or controlling shareholder of the applicant has committed any act or practice in subsection 2 of this section. The board

shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license, or diploma from any school;

(8) Denial of licensure to an applicant or disciplinary action against an applicant or the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency, or country whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, surrender of the license upon grounds for which denial or discipline is authorized in this state;

(9) A person is finally adjudged incapacitated by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice under this chapter;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general

public or persons to whom the advertisement or solicitation is primarily directed;

(15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(16) The intentional act of substituting or otherwise changing the content, formula or brand of any drug prescribed by written, **electronic**, or oral prescription without prior written or oral approval from the prescriber for the respective change in each prescription; provided, however, that nothing contained herein shall prohibit a pharmacist from substituting or changing the brand of any drug as provided under section 338.056, and any such substituting or changing of the brand of any drug as provided for in section 338.056 shall not be deemed unprofessional or dishonorable conduct unless a violation of section 338.056 occurs;

(17) Personal use or consumption of any controlled substance unless it is prescribed, dispensed, or administered by a health care provider who is authorized by law to do so.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit. The board may impose additional discipline on a licensee, registrant, or permittee found to have violated any disciplinary terms previously imposed under this section or by agreement. The additional discipline may include, singly or in combination, censure, placing the licensee, registrant, or permittee named in the complaint on additional probation on such terms and conditions as the board deems appropriate, which additional probation shall not exceed five years, or suspension for a period not to exceed three years, or revocation of the license, certificate, or permit.

4. If the board concludes that a licensee or registrant has committed an act or is engaging in a course of conduct which would be grounds for disciplinary action which constitutes a clear and present danger to the public health and safety, the board may file a complaint before the administrative hearing commission requesting an expedited hearing and specifying the activities which give rise to the danger and the nature of the proposed restriction or suspension of the licensee's or registrant's license. Within fifteen days after service of the complaint on the licensee or registrant, the administrative hearing commission shall conduct a preliminary hearing to determine whether the alleged activities of the licensee or registrant appear to constitute a clear and present danger to the public health and safety which justify that the licensee's or registrant's license or registration be immediately restricted or suspended. The burden of proving that the actions of a licensee or registrant constitute a clear and present danger to the public health and safety shall be upon the state board of pharmacy. The administrative hearing commission shall issue its decision immediately after the hearing and shall either grant to the board the authority to suspend or restrict the license or dismiss the action.

5. If the administrative hearing commission grants temporary authority to the board to restrict or suspend the licensee's or registrant's license, such temporary authority of the board shall become final authority if there is no request by the licensee or registrant for a full hearing within thirty days of the preliminary hearing. The administrative hearing commission shall, if requested by the licensee or registrant named in the complaint, set a date to hold a full hearing under the provisions of chapter 621 regarding the activities alleged in the initial complaint filed by the board.

6. If the administrative hearing commission dismisses the action filed by the board pursuant to

subsection 4 of this section, such dismissal shall not bar the board from initiating a subsequent action on the same grounds.

338.056. 1. Except as provided in subsection 2 of this section, the pharmacist filling prescription orders for drug products prescribed by trade or brand name may select another drug product with the same active chemical ingredients of the same strength, quantity and dosage form, and of the same generic drug or interchangeable biological product type, as determined by the United States Adopted Names and accepted by the Federal Food and Drug Administration. Selection pursuant to this section is within the discretion of the pharmacist, except as provided in subsection 2 of this section. The pharmacist who selects the drug or interchangeable biological product to be dispensed pursuant to this section shall assume the same responsibility for selecting the dispensed drug or biological product as would be incurred in filling a prescription for a drug or interchangeable biological product prescribed by generic or interchangeable biologic name. The pharmacist shall not select a drug or interchangeable biological product pursuant to this section unless the product selected costs the patient less than the prescribed product.

2. A pharmacist who receives a prescription for a brand name drug or biological product may select a less expensive generically equivalent or interchangeable biological product unless:

(1) The patient requests a brand name drug or biological product; or

(2) The prescribing practitioner indicates that substitution is prohibited or displays “brand medically necessary”, “dispense as written”, “do not substitute”, “DAW”, or words of similar import on the prescription.

3. No prescription shall be valid without the signature of the prescriber, **except an electronic prescription.**

4. If an oral prescription is involved, the practitioner or the practitioner’s agent, communicating the instructions to the pharmacist, shall instruct the pharmacist as to whether or not a therapeutically equivalent generic drug or interchangeable biological product may be substituted. The pharmacist shall note the instructions on the file copy of the prescription.

5. Notwithstanding the provisions of subsection 2 of this section to the contrary, a pharmacist may fill a prescription for a brand name drug by substituting a generically equivalent drug or interchangeable biological product when substitution is allowed in accordance with the laws of the state where the prescribing practitioner is located.

6. Violations of this section are infractions.

338.140. 1. The board of pharmacy shall have a common seal, and shall have power to adopt such rules and bylaws not inconsistent with law as may be necessary for the regulation of its proceedings and for the discharge of the duties imposed pursuant to sections 338.010 to 338.198, and shall have power to employ an attorney to conduct prosecutions or to assist in the conduct of prosecutions pursuant to sections 338.010 to 338.198.

2. The board shall keep a record of its proceedings.

3. The board of pharmacy shall make annually to the governor and, upon written request, to persons licensed pursuant to the provisions of this chapter a written report of its proceedings.

4. The board of pharmacy shall appoint an advisory committee composed of six members, one of whom shall be a representative of pharmacy but who shall not be a member of the pharmacy board, three of whom

shall be representatives of wholesale drug distributors as defined in section 338.330, one of whom shall be a representative of drug manufacturers, and one of whom shall be a licensed veterinarian recommended to the board of pharmacy by the board of veterinary medicine. The committee shall review and make recommendations to the board on the merit of all rules and regulations dealing with pharmacy distributors, wholesale drug distributors, drug manufacturers, and veterinary legend drugs which are proposed by the board.

5. A majority of the board shall constitute a quorum for the transaction of business.

6. Notwithstanding any other provisions of law to the contrary, the board may issue letters of reprimand, censure or warning to any holder of a license or registration required pursuant to this chapter for any violations that could result in disciplinary action as defined in section 338.055. **Alternatively, at the discretion of the board, the board may enter into a voluntary compliance agreement with a licensee, permit holder, or registrant to ensure or promote compliance with this chapter and the rules of the board, in lieu of board discipline. The agreement shall be a public record. The time limitation identified in section 324.043 for commencing a disciplinary proceeding shall be tolled while an agreement authorized by this section is in effect.**

**338.143. 1. For purposes of this section, the following terms shall mean:**

(1) “Remote medication dispensing”, dispensing or assisting in the dispensing of medication outside of a licensed pharmacy;

(2) “Technology assisted verification”, the verification of medication or prescription information using a combination of scanning technology and visual confirmation by a pharmacist.

2. The board of pharmacy may approve, modify, and establish requirements for pharmacy pilot or demonstration research projects related to technology assisted verification or remote medication dispensing that are designed to enhance patient care or safety, improve patient outcomes, or expand access to pharmacy services.

3. To be approved, pilot or research projects shall be within the scope of the practice of pharmacy as defined by chapter 338, be under the supervision of a Missouri licensed pharmacist, and comply with applicable compliance and reporting as established by the board by rule, including any staff training or education requirements. Board approval shall be limited to a period of up to eighteen months, provided the board grant an additional six month extension if deemed necessary or appropriate to gather or complete research data or if deemed in the best interests of the patient. The board may rescind approval of a pilot project at any time if deemed necessary or appropriate in the interest of patient safety.

4. The provisions of this subsection shall expire on August 28, 2023. The board shall provide a final report on approved projects and related data or findings to the general assembly on or before December 31, 2022. The name, location, approval dates, general description of and responsible pharmacist for an approved pilot or research project shall be deemed an open record.

**338.665. 1. For the purposes of this chapter, “nicotine replacement therapy product” means any drug or product, regardless of whether it is available over-the-counter, that delivers small doses of nicotine to a person and that is approved by the federal Food and Drug Administration for the sole purpose of aiding in tobacco cessation or smoking cessation.**

**2. The board of pharmacy and the board of healing arts shall jointly promulgate rules governing a pharmacist's authority to prescribe and dispense nicotine replacement therapy products. Neither board shall separately promulgate rules governing a pharmacist's authority to prescribe and dispense nicotine replacement therapy products under this subsection.**

**3. Nothing in this section shall be construed to require third party payment for services described in this section.**

**4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.**

374.500. As used in sections 374.500 to 374.515, the following terms mean:

(1) "Certificate", a certificate of registration granted by the department of insurance, financial institutions and professional registration to a utilization review agent;

(2) "Director", the director of the department of insurance, financial institutions and professional registration;

(3) "Enrollee", an individual who has contracted for or who participates in coverage under a health insurance policy, an employee welfare benefit plan, a health services corporation plan or any other benefit program providing payment, reimbursement or indemnification for health care costs for himself or eligible dependents or both himself and eligible dependents. The term "enrollee" shall not include an individual who has health care coverage pursuant to a liability insurance policy, workers' compensation insurance policy, or medical payments insurance issued as a supplement to a liability policy;

(4) "Provider of record", the physician or other licensed practitioner identified to the utilization review agent as having primary responsibility for the care, treatment and services rendered to an enrollee;

(5) "Utilization review", a set of formal techniques designed to monitor the use of, or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of, health care services, procedures, or settings. Techniques may include ambulatory review, [prospective] **prior authorization** review, second opinion, certification, concurrent review, case management, discharge planning or retrospective review. Utilization review shall not include elective requests for clarification of coverage;

(6) "Utilization review agent", any person or entity performing utilization review, except:

(a) An agency of the federal government;

(b) An agent acting on behalf of the federal government, but only to the extent that the agent is providing services to the federal government; or

(c) Any individual person employed or used by a utilization review agent for the purpose of performing utilization review services, including, but not limited to, individual nurses and physicians, unless such individuals are providing utilization review services to the applicable benefit plan, pursuant to a direct contractual relationship with the benefit plan;



(d) An employee health benefit plan that is self-insured and qualified pursuant to the federal Employee Retirement Income Security Act of 1974, as amended;

(e) A property-casualty insurer or an employee or agent working on behalf of a property-casualty insurer;

(f) A health carrier, as defined in section 376.1350, that is performing a review of its own health plan;

(7) "Utilization review plan", a summary of the utilization review procedures of a utilization review agent.

376.690. 1. As used in this section, the following terms shall mean:

(1) "Emergency medical condition", the same meaning given to such term in section 376.1350;

(2) "Facility", the same meaning given to such term in section 376.1350;

(3) "Health care professional", the same meaning given to such term in section 376.1350;

(4) "Health carrier", the same meaning given to such term in section 376.1350;

(5) "Unanticipated out-of-network care", health care services received by a patient in an in-network facility from an out-of-network health care professional from the time the patient presents with an emergency medical condition until the time the patient is discharged.

2. (1) Health care professionals [may] **shall** send any claim for charges incurred for unanticipated out-of-network care to the patient's health carrier within one hundred eighty days of the delivery of the unanticipated out-of-network care on a U.S. Centers of Medicare and Medicaid Services Form 1500, or its successor form, or electronically using the 837 HIPAA format, or its successor.

(2) Within forty-five processing days, as defined in section 376.383, of receiving the health care professional's claim, the health carrier shall offer to pay the health care professional a reasonable reimbursement for unanticipated out-of-network care based on the health care professional's services. If the health care professional participates in one or more of the carrier's commercial networks, the offer of reimbursement for unanticipated out-of-network care shall be the amount from the network which has the highest reimbursement.

(3) If the health care professional declines the health carrier's initial offer of reimbursement, the health carrier and health care professional shall have sixty days from the date of the initial offer of reimbursement to negotiate in good faith to attempt to determine the reimbursement for the unanticipated out-of-network care.

(4) If the health carrier and health care professional do not agree to a reimbursement amount by the end of the sixty-day negotiation period, the dispute shall be resolved through an arbitration process as specified in subsection 4 of this section.

(5) To initiate arbitration proceedings, either the health carrier or health care professional must provide written notification to the director and the other party within one hundred twenty days of the end of the negotiation period, indicating their intent to arbitrate the matter and notifying the director of the billed amount and the date and amount of the final offer by each party. A claim for unanticipated out-of-network care may be resolved between the parties at any point prior to the commencement of the arbitration proceedings. Claims may be combined for purposes of arbitration, but only to the extent the claims represent similar circumstances and services provided by the same health care professional, and the parties attempted

to resolve the dispute in accordance with subdivisions (3) to (5) of this subsection.

(6) No health care professional who sends a claim to a health carrier under subsection 2 of this section shall send a bill to the patient for any difference between the reimbursement rate as determined under this subsection and the health care professional's billed charge.

3. (1) When unanticipated out-of-network care is provided, the health care professional who sends a claim to a health carrier under subsection 2 of this section may bill a patient for no more than the cost-sharing requirements described under this section.

(2) Cost-sharing requirements shall be based on the reimbursement amount as determined under subsection 2 of this section.

(3) The patient's health carrier shall inform the health care professional of its enrollee's cost-sharing requirements within forty-five processing days of receiving a claim from the health care professional for services provided.

(4) The in-network deductible and out-of-pocket maximum cost-sharing requirements shall apply to the claim for the unanticipated out-of-network care.

4. The director shall ensure access to an external arbitration process when a health care professional and health carrier cannot agree to a reimbursement under subdivision (3) of subsection 2 of this section. In order to ensure access, when notified of a parties' intent to arbitrate, the director shall randomly select an arbitrator for each case from the department's approved list of arbitrators or entities that provide binding arbitration. The director shall specify the criteria for an approved arbitrator or entity by rule. The costs of arbitration shall be shared equally between and will be directly billed to the health care professional and health carrier. These costs will include, but are not limited to, reasonable time necessary for the arbitrator to review materials in preparation for the arbitration, travel expenses and reasonable time following the arbitration for drafting of the final decision.

5. At the conclusion of such arbitration process, the arbitrator shall issue a final decision, which shall be binding on all parties. The arbitrator shall provide a copy of the final decision to the director. The initial request for arbitration, all correspondence and documents received by the department and the final arbitration decision shall be considered a closed record under section 374.071. However, the director may release aggregated summary data regarding the arbitration process. The decision of the arbitrator shall not be considered an agency decision nor shall it be considered a contested case within the meaning of section 536.010.

6. The arbitrator shall determine a dollar amount due under subsection 2 of this section between one hundred twenty percent of the Medicare-allowed amount and the seventieth percentile of the usual and customary rate for the unanticipated out-of-network care, as determined by benchmarks from independent nonprofit organizations that are not affiliated with insurance carriers or provider organizations.

7. When determining a reasonable reimbursement rate, the arbitrator shall consider the following factors if the health care professional believes the payment offered for the unanticipated out-of-network care does not properly recognize:

- (1) The health care professional's training, education, or experience;
- (2) The nature of the service provided;
- (3) The health care professional's usual charge for comparable services provided;

(4) The circumstances and complexity of the particular case, including the time and place the services were provided; and

(5) The average contracted rate for comparable services provided in the same geographic area.

8. The enrollee shall not be required to participate in the arbitration process. The health care professional and health carrier shall execute a nondisclosure agreement prior to engaging in an arbitration under this section.

9. [This section shall take effect on January 1, 2019.

10.] The department of insurance, financial institutions and professional registration may promulgate rules and fees as necessary to implement the provisions of this section, including but not limited to procedural requirements for arbitration. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

376.1224. 1. For purposes of this section, the following terms shall mean:

(1) “Applied behavior analysis”, the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationships between environment and behavior;

(2) “Autism service provider”:

(a) Any person, entity, or group that provides diagnostic or treatment services for autism spectrum disorders who is licensed or certified by the state of Missouri; or

(b) Any person who is licensed under chapter 337 as a board-certified behavior analyst by the behavior analyst certification board or licensed under chapter 337 as an assistant board-certified behavior analyst;

(3) “Autism spectrum disorders”, a neurobiological disorder, an illness of the nervous system, which includes Autistic Disorder, Asperger’s Disorder, Pervasive Developmental Disorder Not Otherwise Specified, Rett’s Disorder, and Childhood Disintegrative Disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association;

(4) “Developmental or physical disability”, a severe chronic disability that:

(a) **Is attributable to cerebral palsy, epilepsy, or any other condition other than mental illness or autism spectrum disorder which results in impairment of general intellectual functioning or adaptive behavior and requires treatment or services;**

(b) **Manifests before the individual reaches age nineteen;**

(c) **Is likely to continue indefinitely; and**

(d) **Results in substantial functional limitations in three or more of the following areas of major life activities:**

- a. Self-care;
- b. Understanding and use of language;
- c. Learning;
- d. Mobility;
- e. Self-direction; or
- f. Capacity for independent living;

(5) “Diagnosis [of autism spectrum disorders]”, medically necessary assessments, evaluations, or tests in order to diagnose whether an individual has an autism spectrum disorder **or a developmental or physical disability**;

[(5)] (6) “Habilitative or rehabilitative care”, professional, counseling, and guidance services and treatment programs, including applied behavior analysis **for those diagnosed with autism spectrum disorder**, that are necessary to develop the functioning of an individual;

[(6)] (7) “Health benefit plan”, shall have the same meaning ascribed to it as in section 376.1350;

[(7)] (8) “Health carrier”, shall have the same meaning ascribed to it as in section 376.1350;

[(8)] (9) “Line therapist”, an individual who provides supervision of an individual diagnosed with an autism diagnosis and other neurodevelopmental disorders pursuant to the prescribed treatment plan, and implements specific behavioral interventions as outlined in the behavior plan under the direct supervision of a licensed behavior analyst;

[(9)] (10) “Pharmacy care”, medications used to address symptoms of an autism spectrum disorder **or a developmental or physical disability** prescribed by a licensed physician, and any health-related services deemed medically necessary to determine the need or effectiveness of the medications only to the extent that such medications are included in the insured’s health benefit plan;

[(10)] (11) “Psychiatric care”, direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices;

[(11)] (12) “Psychological care”, direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices;

[(12)] (13) “Therapeutic care”, services provided by licensed speech therapists, occupational therapists, or physical therapists;

[(13)] (14) “Treatment [for autism spectrum disorders]”, care prescribed or ordered for an individual diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist, **or for an individual diagnosed with a developmental or physical disability by a licensed physician or licensed psychologist**, including equipment medically necessary for such care, pursuant to the powers granted under such licensed physician’s or licensed psychologist’s license, including, but not limited to:

- (a) Psychiatric care;
- (b) Psychological care;

(c) Habilitative or rehabilitative care, including applied behavior analysis therapy **for those diagnosed with autism spectrum disorder**;

- (d) Therapeutic care;
- (e) Pharmacy care.

2. **Except as otherwise provided in subsection 12 of this section**, all [group] health benefit plans that are delivered, issued for delivery, continued, or renewed on or after January 1, [2011] **2020**, if written inside the state of Missouri, or written outside the state of Missouri but insuring Missouri residents, shall provide coverage for the diagnosis and treatment of autism spectrum disorders **and for the diagnosis and treatment of developmental or physical disabilities** to the extent that such diagnosis and treatment is not already covered by the health benefit plan.

3. With regards to a health benefit plan, a health carrier shall not deny or refuse to issue coverage on, refuse to contract with, or refuse to renew or refuse to reissue or otherwise terminate or restrict coverage on an individual or their dependent because the individual is diagnosed with autism spectrum disorder **or developmental or physical disabilities**.

4. (1) Coverage provided under this section **for autism spectrum disorder or developmental or physical disabilities** is limited to medically necessary treatment that is ordered by the insured's treating licensed physician or licensed psychologist, pursuant to the powers granted under such licensed physician's or licensed psychologist's license, in accordance with a treatment plan.

(2) The treatment plan, upon request by the health benefit plan or health carrier, shall include all elements necessary for the health benefit plan or health carrier to pay claims. Such elements include, but are not limited to, a diagnosis, proposed treatment by type, frequency and duration of treatment, and goals.

(3) Except for inpatient services, if an individual is receiving treatment for an autism spectrum disorder **or developmental or physical disability**, a health carrier shall have the right to review the treatment plan not more than once every six months unless the health carrier and the individual's treating physician or psychologist agree that a more frequent review is necessary. Any such agreement regarding the right to review a treatment plan more frequently shall only apply to a particular individual [being treated for an autism spectrum disorder] **receiving applied behavior analysis** and shall not apply to all individuals [being treated for autism spectrum disorders by a] **receiving applied behavior analysis from that autism service provider**, physician, or psychologist. The cost of obtaining any review or treatment plan shall be borne by the health benefit plan or health carrier, as applicable.

5. (1) Coverage provided under this section for applied behavior analysis shall be subject to a maximum benefit of forty thousand dollars per calendar year for individuals through eighteen years of age. Such maximum benefit limit may be exceeded, upon prior approval by the health benefit plan, if the provision of applied behavior analysis services beyond the maximum limit is medically necessary for such individual. Payments made by a health carrier on behalf of a covered individual for any care, treatment, intervention, service or item, the provision of which was for the treatment of a health condition unrelated to the covered individual's autism spectrum disorder, shall not be applied toward any maximum benefit established under this subsection. Any coverage required under this section, other than the coverage for applied behavior analysis, shall not be subject to the age and dollar limitations described in this subsection.

[6.] (2) The maximum benefit limitation for applied behavior analysis described in [subsection 5] **subdivision (1)** of this [section] **subsection** shall be adjusted by the health carrier at least triennially for inflation to reflect the aggregate increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially

published by the United States Department of Labor, or its successor agency. Beginning January 1, 2012, and annually thereafter, the current value of the maximum benefit limitation for applied behavior analysis coverage adjusted for inflation in accordance with this subsection shall be calculated by the director of the department of insurance, financial institutions and professional registration. The director shall furnish the calculated value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021.

[7.] **(3)** Subject to the provisions set forth in subdivision (3) of subsection 4 of this section, coverage provided **for autism spectrum disorders** under this section shall not be subject to any limits on the number of visits an individual may make to an autism service provider, except that the maximum total benefit for applied behavior analysis set forth in **subdivision (1) of this subsection** [5 of this section] shall apply to this [subsection] **subdivision**.

**6. Coverage for therapeutic care provided under this section for developmental or physical disabilities may be limited to a number of visits per calendar year, provided that upon prior approval by the health benefit plan, coverage shall be provided beyond the maximum calendar limit if such therapeutic care is medically necessary as determined by the health care plan.**

[8.] **7.** This section shall not be construed as limiting benefits which are otherwise available to an individual under a health benefit plan. The health care coverage required by this section shall not be subject to any greater deductible, coinsurance, or co-payment than other physical health care services provided by a health benefit plan. Coverage of services may be subject to other general exclusions and limitations of the contract or benefit plan, not in conflict with the provisions of this section, such as coordination of benefits, exclusions for services provided by family or household members, and utilization review of health care services, including review of medical necessity and care management; however, coverage for treatment under this section shall not be denied on the basis that it is educational or habilitative in nature.

[9.] **8.** To the extent any payments or reimbursements are being made for applied behavior analysis, such payments or reimbursements shall be made to either:

(1) The autism service provider, as defined in this section; or

(2) The entity or group for whom such supervising person, who is certified as a board-certified behavior analyst by the Behavior Analyst Certification Board, works or is associated.

Such payments or reimbursements under this subsection to an autism service provider or a board-certified behavior analyst shall include payments or reimbursements for services provided by a line therapist under the supervision of such provider or behavior analyst if such services provided by the line therapist are included in the treatment plan and are deemed medically necessary.

[10.] **9.** Notwithstanding any other provision of law to the contrary, health carriers shall not be held liable for the actions of line therapists in the performance of their duties.

[11.] **10.** The provisions of this section shall apply to any health care plans issued to employees and their dependents under the Missouri consolidated health care plan established pursuant to chapter 103 that are delivered, issued for delivery, continued, or renewed in this state on or after January 1, [2011] **2020**. The terms “employees” and “health care plans” shall have the same meaning ascribed to them in section 103.003.

[12.] **11.** The provisions of this section shall also apply to the following types of plans that are

established, extended, modified, or renewed on or after January 1, [2011] **2020**:

(1) All self-insured governmental plans, as that term is defined in 29 U.S.C. Section 1002(32);

(2) All self-insured group arrangements, to the extent not preempted by federal law;

(3) All plans provided through a multiple employer welfare arrangement, or plans provided through another benefit arrangement, to the extent permitted by the Employee Retirement Income Security Act of 1974, or any waiver or exception to that act provided under federal law or regulation; and

(4) All self-insured school district health plans.

[13. The provisions of this section shall not automatically apply to an individually underwritten health benefit plan, but shall be offered as an option to any such plan.

14.] **12.** The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policy of six months or less duration, or any other supplemental policy. **The provisions of this section requiring coverage for autism spectrum disorders shall not apply to an individually underwritten health benefit plan issued prior to January 1, 2011. The provisions of this section requiring coverage for a developmental or physical disability shall not apply to a health benefit plan issued prior to January 1, 2014.**

[15.] **13.** Any health carrier or other entity subject to the provisions of this section shall not be required to provide reimbursement for the applied behavior analysis delivered to a person insured by such health carrier or other entity to the extent such health carrier or other entity is billed for such services by any Part C early intervention program or any school district for applied behavior analysis rendered to the person covered by such health carrier or other entity. This section shall not be construed as affecting any obligation to provide services to an individual under an individualized family service plan, an individualized education plan, or an individualized service plan. This section shall not be construed as affecting any obligation to provide reimbursement pursuant to section 376.1218.

[16.] **14.** The provisions of sections 376.383, 376.384, and 376.1350 to 376.1399 shall apply to this section.

[17. The director of the department of insurance, financial institutions and professional registration shall grant a small employer with a group health plan, as that term is defined in section 379.930, a waiver from the provisions of this section if the small employer demonstrates to the director by actual claims experience over any consecutive twelve-month period that compliance with this section has increased the cost of the health insurance policy by an amount of two and a half percent or greater over the period of a calendar year in premium costs to the small employer.

18.] **15.** The provisions of this section shall not apply to the Mo HealthNet program as described in chapter 208.

[19. (1) By February 1, 2012, and every February first thereafter, the department of insurance, financial institutions and professional registration shall submit a report to the general assembly regarding the implementation of the coverage required under this section. The report shall include, but shall not be limited to, the following:

(a) The total number of insureds diagnosed with autism spectrum disorder;

(b) The total cost of all claims paid out in the immediately preceding calendar year for coverage required by this section;

(c) The cost of such coverage per insured per month; and

(d) The average cost per insured for coverage of applied behavior analysis;

(2) All health carriers and health benefit plans subject to the provisions of this section shall provide the department with the data requested by the department for inclusion in the annual report.]

376.1040. 1. No multiple employer self-insured health plan shall be offered or advertised to the public [generally]. No plan shall be sold, solicited, or marketed by persons or entities defined in section 375.012 or sections 376.1075 to 376.1095. **Multiple employer self-insured health plans with a certificate of authority approved by the director under section 376.1002 shall be exempt from the restrictions set forth in this section.**

**2. A health carrier acting as an administrator for a multiple employer self insured health plan shall permit any willing licensed broker to quote, sell, solicit, or market such plan to the extent permitted by this section; provided that such broker is appointed and in good standing with the health carrier and completes all required training.**

376.1042. The sale, solicitation or marketing of any plan **in violation of section 376.1040** by an agent, agency or broker shall constitute a violation of section 375.141.

**376.1345. 1. As used in this section, unless the context clearly indicates otherwise, terms shall have the same meaning as ascribed to them in section 376.1350.**

**2. No health carrier, nor any entity acting on behalf of a health carrier, shall restrict methods of reimbursement to health care providers for health care services to a reimbursement method requiring the provider to pay a fee, discount the amount of their claim for reimbursement, or remit any other form of remuneration in order to redeem the amount of their claim for reimbursement.**

**3. If a health carrier initiates or changes the method used to reimburse a health care provider to a method of reimbursement that will require the health care provider to pay a fee, discount the amount of its claim for reimbursement, or remit any other form of remuneration to the health carrier or any entity acting on behalf of the health carrier in order to redeem the amount of its claim for reimbursement, the health carrier or an entity acting on its behalf shall:**

**(1) Notify such health care provider of the fee, discount, or other remuneration required to receive reimbursement through the new or different reimbursement method; and**

**(2) In such notice, provide clear instructions to the health care provider as to how to select an alternative payment method, and upon request such alternative payment method shall be used to reimburse the provider until the provider requests otherwise.**

**4. A health carrier shall allow the provider to select to be reimbursed by an electronic funds transfer through the Automated Clearing House Network as required pursuant to 45 C.F.R. Sections 162.925, 162.1601, and 162.1602, and if the provider makes such selection, the health carrier shall use such reimbursement method to reimburse the provider until the provider requests otherwise.**

**5. Violation of this section shall be deemed an unfair trade practice under sections 375.930 to 375.948.**



376.1040. **1.** No multiple employer self-insured health plan shall be offered or advertised to the public [generally]. No plan shall be sold, solicited, or marketed by persons or entities defined in section 375.012 or sections 376.1075 to 376.1095. **Multiple employer self-insured health plans with a certificate of authority approved by the director under section 376.1002 shall be exempt from the restrictions set forth in this section.**

**2. A health carrier acting as an administrator for a multiple employer self insured health plan shall permit any willing licensed broker to quote, sell, solicit, or market such plan to the extent permitted by this section; provided that such broker is appointed and in good standing with the health carrier and completes all required training.**

376.1042. The sale, solicitation or marketing of any plan **in violation of section 376.1040** by an agent, agency or broker shall constitute a violation of section 375.141.

376.1350. For purposes of sections 376.1350 to 376.1390, the following terms mean:

(1) “Adverse determination”, a determination by a health carrier or [its designee] **a utilization review [organization] entity** that an admission, availability of care, continued stay or other health care service **furnished or proposed to be furnished to an enrollee** has been reviewed and, based upon the information provided, does not meet the **utilization review entity** or health carrier’s requirements for medical necessity, appropriateness, health care setting, level of care or effectiveness, **or are experimental or investigational**, and the payment for the requested service is therefore denied, reduced or terminated;

(2) “Ambulatory review”, utilization review of health care services performed or provided in an outpatient setting;

(3) “Case management”, a coordinated set of activities conducted for individual patient management of serious, complicated, protracted or other health conditions;

(4) “Certification”, a determination by a health carrier or [its designee] **a utilization review [organization] entity** that an admission, availability of care, continued stay or other health care service has been reviewed and, based on the information provided, satisfies the health carrier’s requirements for medical necessity, appropriateness, health care setting, level of care and effectiveness, **and that payment will be made for that health care service provided the patient is an enrollee of the health benefit plan at the time the service is provided;**

(5) “Clinical peer”, a physician or other health care professional who holds a nonrestricted license in a state of the United States and in the same or similar specialty as typically manages the medical condition, procedure or treatment under review;

(6) “Clinical review criteria”, the **written policies**, written screening procedures, **drug formularies or lists of covered drugs, determination rules**, decision abstracts, clinical protocols [and], **medical protocols**, practice guidelines, **and any other criteria or rationale** used by the health carrier **or utilization review entity** to determine the necessity and appropriateness of health care services;

(7) “Concurrent review”, utilization review conducted during a patient’s hospital stay or course of treatment;

(8) “Covered benefit” or “benefit”, a health care service that an enrollee is entitled under the terms of a health benefit plan;

(9) “Director”, the director of the department of insurance, financial institutions and professional

registration;

(10) “Discharge planning”, the formal process for determining, prior to discharge from a facility, the coordination and management of the care that a patient receives following discharge from a facility;

(11) “Drug”, any substance prescribed by a licensed health care provider acting within the scope of the provider’s license and that is intended for use in the diagnosis, mitigation, treatment or prevention of disease. The term includes only those substances that are approved by the FDA for at least one indication;

(12) “Emergency medical condition”, the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity, regardless of the final diagnosis that is given, that would lead a prudent lay person, possessing an average knowledge of medicine and health, to believe that immediate medical care is required, which may include, but shall not be limited to:

(a) Placing the person’s health in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain; or

(e) With respect to a pregnant woman who is having contractions:

a. That there is inadequate time to effect a safe transfer to another hospital before delivery; or

b. That transfer to another hospital may pose a threat to the health or safety of the woman or unborn child;

(13) “Emergency service”, a health care item or service furnished or required to evaluate and treat an emergency medical condition, which may include, but shall not be limited to, health care services that are provided in a licensed hospital’s emergency facility by an appropriate provider;

(14) “Enrollee”, a policyholder, subscriber, covered person or other individual participating in a health benefit plan;

(15) “FDA”, the federal Food and Drug Administration;

(16) “Facility”, an institution providing health care services or a health care setting, including but not limited to hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, skilled nursing centers, residential treatment centers, diagnostic, laboratory and imaging centers, and rehabilitation and other therapeutic health settings;

(17) “Grievance”, a written complaint submitted by or on behalf of an enrollee regarding the:

(a) Availability, delivery or quality of health care services, including a complaint regarding an adverse determination made pursuant to utilization review;

(b) Claims payment, handling or reimbursement for health care services; or

(c) Matters pertaining to the contractual relationship between an enrollee and a health carrier;

(18) “Health benefit plan”, a policy, contract, certificate or agreement entered into, offered or issued by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services; except that, health benefit plan shall not include any coverage pursuant to liability insurance policy, workers’ compensation insurance policy, or medical payments insurance issued as a supplement to a

liability policy;

(19) “Health care professional”, a physician or other health care practitioner licensed, accredited or certified by the state of Missouri to perform specified health services consistent with state law;

(20) “Health care provider” or “provider”, a health care professional or a facility;

(21) “Health care service”, a service for the diagnosis, prevention, treatment, cure or relief of a health condition, illness, injury or disease, **including but not limited to the provision of drugs or durable medical equipment**;

(22) “Health carrier”, an entity subject to the insurance laws and regulations of this state that contracts or offers to contract to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation, or any other entity providing a plan of health insurance, health benefits or health services; except that such plan shall not include any coverage pursuant to a liability insurance policy, workers’ compensation insurance policy, or medical payments insurance issued as a supplement to a liability policy;

(23) “Health indemnity plan”, a health benefit plan that is not a managed care plan;

(24) “Managed care plan”, a health benefit plan that either requires an enrollee to use, or creates incentives, including financial incentives, for an enrollee to use, health care providers managed, owned, under contract with or employed by the health carrier;

(25) “Participating provider”, a provider who, under a contract with the health carrier or with its contractor or subcontractor, has agreed to provide health care services to enrollees with an expectation of receiving payment, other than coinsurance, co-payments or deductibles, directly or indirectly from the health carrier;

(26) “Peer-reviewed medical literature”, a published scientific study in a journal or other publication in which original manuscripts have been published only after having been critically reviewed for scientific accuracy, validity and reliability by unbiased independent experts, and that has been determined by the International Committee of Medical Journal Editors to have met the uniform requirements for manuscripts submitted to biomedical journals or is published in a journal specified by the United States Department of Health and Human Services pursuant to Section 1861(t)(2)(B) of the Social Security Act (**42 U.S.C. 1395x**), as amended, as acceptable peer-reviewed medical literature. Peer-reviewed medical literature shall not include publications or supplements to publications that are sponsored to a significant extent by a pharmaceutical manufacturing company or health carrier;

(27) “Person”, an individual, a corporation, a partnership, an association, a joint venture, a joint stock company, a trust, an unincorporated organization, any similar entity or any combination of the foregoing;

(28) **“Prior authorization”, a certification made pursuant to a prior authorization review, or notice as required by a health carrier or utilization review entity prior to the provision of health care services**;

(29) **“[Prospective review] Prior authorization review”, utilization review conducted prior to an admission or a course of treatment, including but not limited to pre-admission review, pre-treatment review, utilization review, and case management**;

**[(29)] (30) “Retrospective review”, utilization review of medical necessity that is conducted after**

services have been provided to a patient, but does not include the review of a claim that is limited to an evaluation of reimbursement levels, veracity of documentation, accuracy of coding or adjudication for payment;

[(30)] **(31)** “Second opinion”, an opportunity or requirement to obtain a clinical evaluation by a provider other than the one originally making a recommendation for a proposed health service to assess the clinical necessity and appropriateness of the initial proposed health service;

[(31)] **(32)** “Stabilize”, with respect to an emergency medical condition, that no material deterioration of the condition is likely to result or occur before an individual may be transferred;

[(32)] **(33)** “Standard reference compendia”:

(a) The American Hospital Formulary Service-Drug Information; or

(b) The United States Pharmacopoeia-Drug Information;

[(33)] **(34)** “Utilization review”, a set of formal techniques designed to monitor the use of, or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of, health care services, procedures, or settings. Techniques may include ambulatory review, [prospective] **prior authorization** review, second opinion, certification, concurrent review, case management, discharge planning or retrospective review. Utilization review shall not include elective requests for clarification of coverage;

[(34)] **(35)** “Utilization review [organization] **entity**”, a utilization review agent as defined in section 374.500, **or an individual or entity that performs prior authorization reviews for a health carrier or health care provider. A health carrier or health care provider is a utilization review entity if it performs prior authorization review.**

376.1356. Whenever a health carrier contracts to have a utilization review [organization or other] entity perform the utilization review functions required by sections 376.1350 to 376.1390 or applicable rules and regulations, the health carrier shall be responsible for monitoring the activities of the utilization review [organization or] entity with which the health carrier contracts and for ensuring that the requirements of sections 376.1350 to 376.1390 and applicable rules and regulations are met.

376.1363. 1. A health carrier shall maintain written procedures for making utilization review decisions and for notifying enrollees and providers acting on behalf of enrollees of its decisions. For purposes of this section, “enrollee” includes the representative of an enrollee.

2. For [initial] determinations, a health carrier shall make the determination within thirty-six hours, which shall include one working day, of obtaining all necessary information regarding a proposed admission, procedure or service requiring a review determination. For purposes of this section, “necessary information” includes the results of any face-to-face clinical evaluation or second opinion that may be required:

(1) In the case of a determination to certify an admission, procedure or service, the carrier shall notify the provider rendering the service by telephone or electronically within twenty-four hours of making the [initial] certification, and provide written or electronic confirmation of a telephone or electronic notification to the enrollee and the provider within two working days of making the [initial] certification;

(2) In the case of an adverse determination, the carrier shall notify the provider rendering the service by telephone or electronically within twenty-four hours of making the adverse determination; and shall provide written or electronic confirmation of a telephone or electronic notification to the enrollee and the

provider within one working day of making the adverse determination.

3. For concurrent review determinations, a health carrier shall make the determination within one working day of obtaining all necessary information:

(1) In the case of a determination to certify an extended stay or additional services, the carrier shall notify by telephone or electronically the provider rendering the service within one working day of making the certification, and provide written or electronic confirmation to the enrollee and the provider within one working day after telephone or electronic notification. The written notification shall include the number of extended days or next review date, the new total number of days or services approved, and the date of admission or initiation of services;

(2) In the case of an adverse determination, the carrier shall notify by telephone or electronically the provider rendering the service within twenty-four hours of making the adverse determination, and provide written or electronic notification to the enrollee and the provider within one working day of a telephone or electronic notification. The service shall be continued without liability to the enrollee until the enrollee has been notified of the determination.

4. For retrospective review determinations, a health carrier shall make the determination within thirty working days of receiving all necessary information. A carrier shall provide notice in writing of the carrier's determination to an enrollee within ten working days of making the determination.

5. A written notification of an adverse determination shall include the principal reason or reasons for the determination, **including the clinical rationale, and** the instructions for initiating an appeal or reconsideration of the determination[, and the instructions for requesting a written statement of the clinical rationale, including the clinical review criteria used to make the determination]. A health carrier shall provide the clinical rationale in writing for an adverse determination, including the clinical review criteria used to make that determination, **to the health care provider and to** any party who received notice of the adverse determination [and who requests such information].

6. A health carrier shall have written procedures to address the failure or inability of a provider or an enrollee to provide all necessary information for review. **These procedures shall be made available to health care providers on the health carrier's website or provider portal.** In cases where the provider or an enrollee will not release necessary information, the health carrier may deny certification of an admission, procedure or service.

**7. Provided the patient is an enrollee of the health benefit plan, no utilization review entity shall revoke, limit, condition, or otherwise restrict a prior authorization within forty-five working days of the date the health care provider receives the prior authorization.**

**8. Provided the patient is an enrollee of the health benefit plan at the time the service is provided, no health carrier, utilization review entity, or health care provider shall bill an enrollee for any health care service for which a prior authorization was in effect at the time the health care service was provided, except as consistent with cost-sharing requirements applicable to a covered benefit under the enrollee's health benefit plan. Such cost-sharing shall be subject to and applied toward any in-network deductible or out-of-pocket maximum applicable to the enrollee's health benefit plan.**

**376.1364. 1. Any utilization review entity performing prior authorization review shall provide a unique confirmation number to a provider upon receipt from that provider of a request for prior authorization. Except as otherwise requested by the provider in writing, unique confirmation**

numbers shall be transmitted or otherwise communicated through the same medium through which the requests for prior authorization were made.

**2. No later than January 1, 2021, utilization review entities shall accept and respond to requests for prior authorization of drug benefits through a secure electronic transmission using the National Council for Prescription Drugs SCRIPT Standard Version 2017071 or a backwards-compatible successor adopted by the United States Department of Health and Human Services. For purposes of this subsection, facsimile, proprietary payer portals, and electronic forms shall not be considered electronic transmission.**

**3. No later than January 1, 2021, utilization review entities shall accept and respond to requests for prior authorization of health care services and mental health services electronically. For purposes of this subsection, facsimile, proprietary payer portals, and electronic forms shall not be considered electronic transmission.**

**4. No later than January 1, 2021, each health carrier utilizing prior authorization review shall develop a single secure electronic prior authorization cover page for all of its health benefit plans utilizing prior authorization review, which the carrier or its utilization review entity shall use to accept and respond to, and which providers shall use to submit, requests for prior authorization. Such cover page shall include, but not be limited to, fields for patient or enrollee information, referring or requesting provider information, rendering or attending provider information, and required clinical information, and shall be supplemented by additional clinical information as required by the health carrier or utilization review entity.**

376.1372. 1. In the certificate of coverage and the member handbook provided to enrollees, a health carrier shall include a clear and comprehensive description of its utilization review procedures, including the procedures for obtaining review of adverse determinations, and a statement of rights and responsibilities of enrollees with respect to those procedures.

2. A health carrier shall include a summary of its utilization review procedures in material intended for prospective enrollees.

3. A health carrier shall print on its membership cards a toll-free telephone number to call for utilization review decisions.

**4. (1) A health carrier or utilization review entity shall make any current prior authorization requirements or restrictions, including written clinical review criteria, readily accessible on its website or provider portal. Requirements and restrictions, including step therapy protocols as such term is defined in section 376.2030, shall be described in detail.**

**(2) No health carrier or utilization review entity shall amend or implement a new prior authorization requirement or restriction prior to the change being reflected on the carrier or utilization review entity's website or provider portal as specified in subdivision (1) of this subsection.**

**(3) Health carriers and utilization review entities shall provide participating providers with written or electronic notice of the new or amended requirement not less than sixty days prior to implementing the requirement or restriction.**

376.1385. 1. Upon receipt of a request for second-level review, a health carrier shall submit the grievance to a grievance advisory panel consisting of:

(1) Other enrollees; **and**

(2) Representatives of the health carrier that were not involved in the circumstances giving rise to the grievance or in any subsequent investigation or determination of the grievance[; and].

2.[ (3)] Where the grievance involves an adverse determination, [a majority of persons that are appropriate] **and the grievance advisory panel makes a preliminary decision that the determination should be upheld, the health carrier shall submit the grievance for review to two independent** clinical peers in the same or similar specialty as would typically manage the case being reviewed [that] **who** were not involved in the circumstances giving rise to the grievance or in any subsequent investigation or determination of the grievance. **In the event that both independent reviews concur with the grievance advisory panel's preliminary decision, the panel's decision shall stand. In the event that both independent reviewers disagree with the grievance advisory panel's preliminary decision, the initial adverse determination shall be overturned. In the event that one of the two independent reviewers disagrees with the grievance advisory panel's preliminary decision, the panel shall reconvene and make a final decision in its discretion.**

2. Review by the grievance advisory panel shall follow the same time frames as a first level review, except as provided for in section 376.1389 if applicable. Any decision of the grievance advisory panel shall include notice of the enrollee's or the health carrier's or plan sponsor's rights to file an appeal with the director's office of the grievance advisory panel's decision. The notice shall contain the toll-free telephone number and address of the director's office.

630.175. 1. No person admitted on a voluntary or involuntary basis to any mental health facility or mental health program in which people are civilly detained pursuant to chapter 632 and no patient, resident or client of a residential facility or day program operated, funded or licensed by the department shall be subject to physical or chemical restraint, isolation or seclusion unless it is determined by the head of the facility, the attending licensed physician, or in the circumstances specifically set forth in this section, by an advanced practice registered nurse in a collaborative practice arrangement, or a physician assistant or an assistant physician with a [supervision agreement] **collaborative practice arrangement**, with the attending licensed physician that the chosen intervention is imminently necessary to protect the health and safety of the patient, resident, client or others and that it provides the least restrictive environment. An advanced practice registered nurse in a collaborative practice arrangement, or a physician assistant or an assistant physician with a [supervision agreement] **collaborative practice arrangement**, with the attending licensed physician may make a determination that the chosen intervention is necessary for patients, residents, or clients of facilities or programs operated by the department, in hospitals as defined in section 197.020 that only provide psychiatric care and in dedicated psychiatric units of general acute care hospitals as hospitals are defined in section 197.020. Any determination made by the advanced practice registered nurse, physician assistant, or assistant physician shall be documented as required in subsection 2 of this section and reviewed in person by the attending licensed physician if the episode of restraint is to extend beyond:

(1) Four hours duration in the case of a person under eighteen years of age;

(2) Eight hours duration in the case of a person eighteen years of age or older; or

(3) For any total length of restraint lasting more than four hours duration in a twenty-four-hour period in the case of a person under eighteen years of age or beyond eight hours duration in the case of a person eighteen years of age or older in a twenty-four-hour period.

The review shall occur prior to the time limit specified under subsection 6 of this section and shall be documented by the licensed physician under subsection 2 of this section.

2. Every use of physical or chemical restraint, isolation or seclusion and the reasons therefor shall be made a part of the clinical record of the patient, resident or client under the signature of the head of the facility, or the attending licensed physician, or the advanced practice registered nurse in a collaborative practice arrangement, or a physician assistant or an assistant physician with a [supervision agreement] **collaborative practice arrangement**, with the attending licensed physician.

3. Physical or chemical restraint, isolation or seclusion shall not be considered standard treatment or habilitation and shall cease as soon as the circumstances causing the need for such action have ended.

4. The use of security escort devices, including devices designed to restrict physical movement, which are used to maintain safety and security and to prevent escape during transport outside of a facility shall not be considered physical restraint within the meaning of this section. Individuals who have been civilly detained under sections 632.300 to 632.475 may be placed in security escort devices when transported outside of the facility if it is determined by the head of the facility, or the attending licensed physician, or the advanced practice registered nurse in a collaborative practice arrangement, or a physician assistant or an assistant physician with a [supervision agreement] **collaborative practice arrangement**, with the attending licensed physician that the use of security escort devices is necessary to protect the health and safety of the patient, resident, client, or other persons or is necessary to prevent escape. Individuals who have been civilly detained under sections 632.480 to 632.513 or committed under chapter 552 shall be placed in security escort devices when transported outside of the facility unless it is determined by the head of the facility, or the attending licensed physician, or the advanced practice registered nurse in a collaborative practice arrangement, or a physician assistant or an assistant physician with a [supervision agreement] **collaborative practice arrangement**, with the attending licensed physician that security escort devices are not necessary to protect the health and safety of the patient, resident, client, or other persons or is not necessary to prevent escape.

5. Extraordinary measures employed by the head of the facility to ensure the safety and security of patients, residents, clients, and other persons during times of natural or man-made disasters shall not be considered restraint, isolation, or seclusion within the meaning of this section.

6. Orders issued under this section by the advanced practice registered nurse in a collaborative practice arrangement, or a physician assistant or an assistant physician with a [supervision agreement] **collaborative practice arrangement**, with the attending licensed physician shall be reviewed in person by the attending licensed physician of the facility within twenty-four hours or the next regular working day of the order being issued, and such review shall be documented in the clinical record of the patient, resident, or client.

7. For purposes of this subsection, “division” shall mean the division of developmental disabilities. Restraint or seclusion shall not be used in habilitation centers or community programs that serve persons with developmental disabilities that are operated or funded by the division unless such procedure is part of an emergency intervention system approved by the division and is identified in such person’s individual support plan. Direct-care staff that serve persons with developmental disabilities in habilitation centers or community programs operated or funded by the division shall be trained in an emergency intervention system approved by the division when such emergency intervention system is identified in a consumer’s individual support plan.

630.875. 1. This section shall be known and may be cited as the “Improved Access to Treatment for



Opioid Addictions Act” or “IATOA Act”.

2. As used in this section, the following terms mean:

(1) “Department”, the department of mental health;

(2) “IATOA program”, the improved access to treatment for opioid addictions program created under subsection 3 of this section.

3. Subject to appropriations, the department shall create and oversee an “Improved Access to Treatment for Opioid Addictions Program”, which is hereby created and whose purpose is to disseminate information and best practices regarding opioid addiction and to facilitate collaborations to better treat and prevent opioid addiction in this state. The IATOA program shall facilitate partnerships between assistant physicians, physician assistants, and advanced practice registered nurses practicing in federally qualified health centers, rural health clinics, and other health care facilities and physicians practicing at remote facilities located in this state. The IATOA program shall provide resources that grant patients and their treating assistant physicians, physician assistants, advanced practice registered nurses, or physicians access to knowledge and expertise through means such as telemedicine and Extension for Community Healthcare Outcomes (ECHO) programs established under section 191.1140.

4. Assistant physicians, physician assistants, and advanced practice registered nurses who participate in the IATOA program shall complete the necessary requirements to prescribe buprenorphine within at least thirty days of joining the IATOA program.

5. For the purposes of the IATOA program, a remote collaborating [or supervising] physician working with an on-site assistant physician, physician assistant, or advanced practice registered nurse shall be considered to be on-site. An assistant physician, physician assistant, or advanced practice registered nurse collaborating with a remote physician shall comply with all laws and requirements applicable to assistant physicians, physician assistants, or advanced practice registered nurses with on-site supervision before providing treatment to a patient.

6. An assistant physician, physician assistant, or advanced practice registered nurse collaborating with a physician who is waiver-certified for the use of buprenorphine may participate in the IATOA program in any area of the state and provide all services and functions of an assistant physician, physician assistant, or advanced practice registered nurse.

7. The department may develop curriculum and benchmark examinations on the subject of opioid addiction and treatment. The department may collaborate with specialists, institutions of higher education, and medical schools for such development. Completion of such a curriculum and passing of such an examination by an assistant physician, physician assistant, advanced practice registered nurse, or physician shall result in a certificate awarded by the department or sponsoring institution, if any.

8. An assistant physician, physician assistant, or advanced practice registered nurse participating in the IATOA program may also:

(1) Engage in community education;

(2) Engage in professional education outreach programs with local treatment providers;

(3) Serve as a liaison to courts;

(4) Serve as a liaison to addiction support organizations;

(5) Provide educational outreach to schools;

(6) Treat physical ailments of patients in an addiction treatment program or considering entering such a program;

(7) Refer patients to treatment centers;

(8) Assist patients with court and social service obligations;

(9) Perform other functions as authorized by the department; and

(10) Provide mental health services in collaboration with a qualified licensed physician.

The list of authorizations in this subsection is a nonexclusive list, and assistant physicians, physician assistants, or advanced practice registered nurses participating in the IATOA program may perform other actions.

9. When an overdose survivor arrives in the emergency department, the assistant physician, physician assistant, or advanced practice registered nurse serving as a recovery coach or, if the assistant physician, physician assistant, or advanced practice registered nurse is unavailable, another properly trained recovery coach shall, when reasonably practicable, meet with the overdose survivor and provide treatment options and support available to the overdose survivor. The department shall assist recovery coaches in providing treatment options and support to overdose survivors.

10. The provisions of this section shall supersede any contradictory statutes, rules, or regulations. The department shall implement the improved access to treatment for opioid addictions program as soon as reasonably possible using guidance within this section.

Further refinement to the improved access to treatment for opioid addictions program may be done through the rules process.

11. The department shall promulgate rules to implement the provisions of the improved access to treatment for opioid addictions act as soon as reasonably possible. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

Section B. Because immediate action is necessary to ensure vital health care services for Missouri citizens, the repeal and reenactment of section 208.930 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 208.930 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS No. 3** for **SCS** for **SB 29**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 397**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 291**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SB 368**, and has taken up and passed **CCS** for **SB 368**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 17**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 87**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 87**, as amended. Representatives: Swan, Shawan, Richey, Roberts (77), Carpenter.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 204**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 204**, as amended. Representatives: Ross, Helms, Schroer, Lavender, Beck.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on HA 1, HA 2, HA 3, HA 4, HA 5, HA 6, HA 7, HA 8, HA 9, HA 1 to HA 10, HA 10 as amended, HA 11, HA 12, HA 13, HA 14, HA 15, HA 16, HA 17, HA 18, HA 1 to HA 19, HA 19 as amended, HA 20, HA 21 to **SB 358**, and grants the Senate a conference thereon.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SB 358**, as amended. Representatives: Swan, Solon, Morris (140), Roberts (77), Unsicker.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 89**

With House Amendments 1, 2, 3 and 4.

#### HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 89, Page 1, In the Title, Line 3, by deleting the words, “commercial driver’s licenses” and inserting in lieu thereof the word, “transportation”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 89, Page 1, Section A, Line 3, by inserting after all of said line the following:

“144.070. 1. At the time the owner of any new or used motor vehicle, trailer, boat, or outboard motor which was acquired in a transaction subject to sales tax under the Missouri sales tax law makes application to the director of revenue for an official certificate of title and the registration of the motor vehicle, trailer, boat, or outboard motor as otherwise provided by law, the owner shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price exclusive of any charge incident to the extension of credit paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its acquisition, the applicant shall pay or cause to be paid to the director of revenue the sales tax provided by the Missouri sales tax law in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a certificate of title for any new or used motor vehicle, trailer, boat, or outboard motor subject to sales tax as provided in the Missouri sales tax law until the tax levied for the sale of the same under sections 144.010 to 144.510 has been paid as provided in this section or is registered under the provisions of subsection 5 of this section.

2. As used in subsection 1 of this section, the term “purchase price” shall mean the total amount of the contract price agreed upon between the seller and the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, regardless of the medium of payment therefor.

3. In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisalment by the director.

4. The director of the department of revenue shall endorse upon the official certificate of title issued by the director upon such application an entry showing that such sales tax has been paid or that the motor

vehicle, trailer, boat, or outboard motor represented by such certificate is exempt from sales tax and state the ground for such exemption.

5. Any person, company, or corporation engaged in the business of renting or leasing motor vehicles, trailers, boats, or outboard motors, which are to be used exclusively for rental or lease purposes, and not for resale, may apply to the director of revenue for authority to operate as a leasing **or rental company and pay an annual fee of two hundred fifty dollars for such authority**. Any company approved by the director of revenue may pay the tax due on any motor vehicle, trailer, boat, or outboard motor as required in section 144.020 at the time of registration thereof or in lieu thereof may pay a sales tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A sales tax shall be charged to and paid by a leasing company which does not exercise the option of paying in accordance with section 144.020, on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in this state. Any motor vehicle, trailer, boat, or outboard motor which is leased as the result of a contract executed in this state shall be presumed to be domiciled in this state.

6. **Every applicant to be a lease or rental company shall furnish with the application a corporate surety bond or irrevocable letter of credit, as defined in section 400.5-102, issued by any state or federal financial institution in the penal sum of one hundred thousand dollars, on a form approved by the department. The bond or irrevocable letter of credit shall be conditioned upon the lease or rental company complying with the provisions of any statutes applicable to lease or rental companies, and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded when such acts constitute grounds for the suspension or revocation of the lease or rental license. The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary; except that, the aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party.**

7. Any corporation may have one or more of its divisions separately apply to the director of revenue for authorization to operate as a leasing company, provided that the corporation:

(1) Has filed a written consent with the director authorizing any of its divisions to apply for such authority;

(2) Is authorized to do business in Missouri;

(3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or outboard motor from one of its divisions to another of its divisions as a sale at retail;

(4) Has registered under the fictitious name provisions of sections 417.200 to 417.230 each of its divisions doing business in Missouri as a leasing company; and

(5) Operates each of its divisions on a basis separate from each of its other divisions. However, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to sections 301.550 to 301.573 the provisions in subdivision (3) of this subsection shall not apply.

[7.] **8.** If the owner of any motor vehicle, trailer, boat, or outboard motor desires to charge and collect sales tax as provided in this section, the owner shall make application to the director of revenue for a permit

to operate as a motor vehicle, trailer, boat, or outboard motor leasing company. The director of revenue shall promulgate rules and regulations determining the qualifications of such a company, and the method of collection and reporting of sales tax charged and collected. Such regulations shall apply only to owners of motor vehicles, trailers, boats, or outboard motors, electing to qualify as motor vehicle, trailer, boat, or outboard motor leasing companies under the provisions of subsection 5 of this section, and no motor vehicle renting or leasing, trailer renting or leasing, or boat or outboard motor renting or leasing company can come under sections 144.010, 144.020, 144.070 and 144.440 unless all motor vehicles, trailers, boats, and outboard motors held for renting and leasing are included.

**9. Any person, company, or corporation engaged in the business of renting or leasing three thousand five hundred or more motor vehicles which are to be used exclusively for rental or leasing purposes and not for resale, and that has applied to the director of revenue for authority to operate as a leasing company may also operate as a registered fleet owner as prescribed in section 301.032.**

[8.] **10.** Beginning July 1, 2010, any motor vehicle dealer licensed under section 301.560 engaged in the business of selling motor vehicles or trailers may apply to the director of revenue for authority to collect and remit the sales tax required under this section on all motor vehicles sold by the motor vehicle dealer. A motor vehicle dealer receiving authority to collect and remit the tax is subject to all provisions under sections 144.010 to 144.525. Any motor vehicle dealer authorized to collect and remit sales taxes on motor vehicles under this subsection shall be entitled to deduct and retain an amount equal to two percent of the motor vehicle sales tax pursuant to section 144.140. Any amount of the tax collected under this subsection that is retained by a motor vehicle dealer pursuant to section 144.140 shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers for their role in collecting and remitting sales taxes on motor vehicles. In the event this subsection or any portion thereof is held to violate Article IV, Section 30(b) of the Missouri Constitution, no motor vehicle dealer shall be authorized to collect and remit sales taxes on motor vehicles under this section. No motor vehicle dealer shall seek compensation from the state of Missouri or its agencies if a court of competent jurisdiction declares that the retention of two percent of the motor vehicle sales tax is unconstitutional and orders the return of such revenues.

301.032. 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the contrary, the director of revenue shall establish a system of registration of all fleet vehicles owned or purchased by a fleet owner registered pursuant to this section. The director of revenue shall prescribe the forms for such fleet registration and the forms and procedures for the registration updates prescribed in this section. Any owner of ten or more motor vehicles which must be registered in accordance with this chapter may register as a fleet owner. All registered fleet owners may, at their option, register all motor vehicles included in the fleet on a calendar year or biennial basis pursuant to this section in lieu of the registration periods provided in sections 301.030, 301.035, and 301.147. The director shall issue an identification number to each registered owner of fleet vehicles.

2. All fleet vehicles included in the fleet of a registered fleet owner shall be registered during April of the corresponding year or on a prorated basis as provided in subsection 3 of this section. Fees of all vehicles in the fleet to be registered on a calendar year basis or on a biennial basis shall be payable not later than the last day of April of the corresponding year, with two years' fees due for biennially-registered vehicles. Notwithstanding the provisions of section 307.355, an application for registration of a fleet vehicle must be accompanied by a certificate of inspection and approval issued no more than one hundred twenty days prior to the date of application. The fees for vehicles added to the fleet which must be licensed at the time

of registration shall be payable at the time of registration, except that when such vehicle is licensed between July first and September thirtieth the fee shall be three-fourths the annual fee, when licensed between October first and December thirty-first the fee shall be one-half the annual fee and when licensed on or after January first the fee shall be one-fourth the annual fee. When biennial registration is sought for vehicles added to a fleet, an additional year's annual fee will be added to the partial year's prorated fee.

3. At any time during the calendar year in which an owner of a fleet purchases or otherwise acquires a vehicle which is to be added to the fleet or transfers plates to a fleet vehicle, the owner shall present to the director of revenue the identification number as a fleet number and may register the vehicle for the partial year as provided in subsection 2 of this section. The fleet owner shall also be charged a transfer fee of two dollars for each vehicle so transferred pursuant to this subsection.

4. Except as specifically provided in this subsection, all fleet vehicles registered pursuant to this section shall be issued a special license plate which shall have the words "Fleet Vehicle" in place of the words "Show-Me State" in the manner prescribed by the advisory committee established in section 301.129. Alternatively, for a one-time additional five dollar per-vehicle fee beyond the regular registration fee, a fleet owner of at least fifty fleet vehicles may apply for fleet license plates bearing a company name or logo, the size and design thereof subject to approval by the director. All fleet license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Fleet vehicles shall be issued multiyear license plates as provided in this section which shall not require issuance of a renewal tab. Upon payment of appropriate registration fees, the director of revenue shall issue a registration certificate or other suitable evidence of payment of the annual or biennial fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued. [The director of revenue shall promulgate rules and regulations establishing the procedure for application and issuance of fleet vehicle license plates.]

5. Notwithstanding the provisions of sections 307.350 to 307.390 to the contrary, a fleet vehicle registered in Missouri is exempt from the requirements of sections 307.350 to 307.390 if at the time of the annual fleet registration, such fleet vehicle is situated outside the state of Missouri.

**6. Notwithstanding any other provisions of law to the contrary, any person, company, or corporation engaged in the business of renting or leasing three thousand five hundred or more motor vehicles which are to be used exclusively for rental or leasing purposes and not for resale, that has applied to the director of revenue for authority to operate as a lease or rental company as prescribed in section 144.070 may operate as a registered fleet owner as prescribed in the provisions of this subsection to subsection 10 of this section.**

**(1) The director of revenue may issue license plates after presentment of an application, as designed by the director, and payment of an annual fee of three hundred sixty dollars for the first ten plates and thirty-six dollars for each additional plate. The payment and issuance of such plates shall be in lieu of registering each motor vehicle with the director as otherwise provided by law.**

**(2) Such motor vehicles within the fleet shall not be exempted from the safety inspection and emissions inspection provisions as prescribed in chapters 307 and 643, but notwithstanding the provisions of section 307.355, such inspections shall not be required to be presented to the director of revenue.**

**7. A recipient of a lease or rental company license issued by the director of revenue as prescribed in section 144.070 operating as a registered fleet owner under this section shall register such fleet with**

the director of revenue on an annual or biennial basis in lieu of the individual motor vehicle registration periods as prescribed in sections 301.030, 301.035, and 301.147. If an applicant elects a biennial fleet registration, the annual fleet license plate fees prescribed in subdivision (1) of subsection 6 of this section shall be doubled. An agent fee as prescribed in subdivision (1) of subsection 1 of section 136.055 shall apply to the issuance of fleet registrations issued under subsections 6 to 10 of this section, and if a biennial fleet registration is elected, the agent fee shall be collected in an amount equal to the fee for two years.

8. Prior to the issuance of fleet license plates under subsections 6 to 10 of this section, the applicant shall provide proof of insurance as required under section 303.024 or 303.026.

9. The authority of a recipient of a lease or rental company license issued by the director of revenue as prescribed in section 144.070 to operate as a fleet owner as provided in this section shall expire on January 1 of the licensure period.

10. A lease or rental company operating fleet license plates issued under subsections 6 to 10 of this section shall make available, upon request, to the director of revenue and all Missouri law enforcement agencies any corresponding vehicle and registration information that may be requested as prescribed by rule.

11. The director shall make all necessary rules and regulations for the administration of this section and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 89, Page 1, Section A, Line 3, by inserting after said section and line the following:

“301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing:

(1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010;

(2) The name, the applicant’s identification number and address of the owner of such motor vehicle or trailer;

(3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or trailer.



2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010 and if such vehicle is [five] **ten** years of age or less **and has less than one hundred fifty thousand miles on the odometer**, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of [five] **ten** years after the receipt of such information. This section shall not apply unless:

- (1) The application for the vehicle's certificate of ownership was submitted after July 1, 1989; and
- (2) The certificate was issued pursuant to a manufacturer's statement of origin.

3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a recreational motor vehicle, motorcycle, motortricycle, autocycle, bus, or any commercial motor vehicle licensed for over twelve thousand pounds and if such motor vehicle is [five] **ten** years of age or less **and has less than one hundred fifty thousand miles on the odometer**, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of [five] **ten** years after the receipt of such information. This subsection shall not apply unless:

- (1) The application for the vehicle's certificate of ownership was submitted after July 1, 1990; and
- (2) The certificate was issued pursuant to a manufacturer's statement of origin.

4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, or prior salvage as referenced in section 301.573, the owner or lienholder shall surrender the certificate of ownership. The owner shall make an application for a new certificate of ownership, pay the required title fee, and obtain the vehicle examination certificate required pursuant to subsection 9 of section 301.190. If an insurance company pays a claim on a salvage vehicle as defined in section 301.010 and the owner retains the vehicle, as prior salvage, the vehicle shall only be required to meet the examination requirements under subsection 10 of section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate of ownership for all major component parts installed on the vehicle and invoices for all essential parts which are not defined as major component parts shall accompany the application for a new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle.

5. Every insurance company that pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 or that pays a claim on a salvage vehicle as defined in section 301.010 and the owner is retaining the vehicle shall in writing notify the owner of the vehicle, and in a first party claim, the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 4 of this section to obtain a prior salvage motor vehicle certificate of ownership or documents and fees as otherwise

required by law to obtain a salvage certificate of ownership, from the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such owner, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss and payment.

6. Anyone who fails to comply with the requirements of this section shall be guilty of a class B misdemeanor.

7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 209.015. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 209.015; except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

8. An applicant for registration may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund as established in sections 194.297 to 194.304. Moneys in the organ donor fund shall be used solely for the purposes established in sections 194.297 to 194.304, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

301.191. 1. When an application is made for an original Missouri certificate of ownership for a previously untitled trailer [sixteen feet or more in length] which is stated to be homemade, the applicant shall present a certificate of inspection as provided in this section. No certificate of ownership shall be issued for such a homemade trailer if no certificate of inspection is presented.

2. As used in this section, “homemade” means made by a person who is not a manufacturer using readily distinguishable manufacturers’ identifying numbers or a statement of origin.

3. Every person constructing a homemade trailer [sixteen feet or more in length] shall obtain an inspection from the sheriff of his or her county of residence or from the Missouri state highway patrol prior to applying for a certificate of ownership. If the person constructing the trailer sells or transfers the trailer prior to applying for a certificate of ownership, the sheriff’s or the Missouri state highway patrol’s certificate of inspection shall be transferred with the trailer.

4. A fee of [ten] **twenty-five** dollars shall be paid for the inspection. If the inspection is completed by the sheriff, the proceeds from the inspections shall be deposited by the sheriff within thirty days into the county law enforcement fund if one exists; otherwise into the county general revenue fund. If the inspection is completed by the Missouri state highway patrol, the applicant shall pay the [ten] **twenty-five** dollar inspection fee to the director of revenue at the time of application for a certificate of ownership for the homemade trailer. The fee shall be deposited in the state treasury to the credit of the state highway fund.

5. The sheriff or Missouri state highway patrol shall inspect the trailer and certify it if the trailer appears to be homemade. The sheriff or Missouri state highway patrol may request the owner to provide any documents or other evidence showing that the trailer was homemade. When a trailer is certified by the sheriff, the sheriff may stamp a permanent identifying number in the tongue of the frame. The certificate of inspection shall be on a form designed and provided by the director of revenue.

6. Upon presentation of the certificate of inspection and all applicable documents and fees including the identification plate fee provided in section 301.380, the director of revenue shall issue a readily distinguishable manufacturers' identifying number plate. The identification number plate shall be affixed to the tongue of the trailer's frame.

7. The sheriff or Missouri state highway patrol may seize any trailer which has been stolen or has identifying numbers obliterated or removed. The sheriff or Missouri state highway patrol may hold the trailer as evidence while an investigation is conducted. The trailer shall be returned if no related criminal charges are filed within thirty days or when the charges are later dropped or dismissed or when the owner is acquitted.”; and

Further amend said bill, Section 302.768, Page 13, Line 67, by inserting after said section and line the following:

“307.350. 1. The owner of every motor vehicle as defined in section 301.010 which is required to be registered in this state, except:

(1) Motor vehicles **having less than one hundred fifty thousand miles**, for the [five-year] **ten-year** period following their model year of manufacture, excluding prior salvage vehicles immediately following a rebuilding process and vehicles subject to the provisions of section 307.380;

(2) Those motor vehicles which are engaged in interstate commerce and are proportionately registered in this state with the Missouri highway reciprocity commission, although the owner may request that such vehicle be inspected by an official inspection station, and a peace officer may stop and inspect such vehicles to determine whether the mechanical condition is in compliance with the safety regulations established by the United States Department of Transportation; and

(3) Historic motor vehicles registered pursuant to section 301.131;

(4) Vehicles registered in excess of twenty-four thousand pounds for a period of less than twelve months; shall submit such vehicles to a biennial inspection of their mechanism and equipment in accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station. The inspection, except the inspection of school buses which shall be made at the time provided in section 307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway patrol; but the inspection of a vehicle shall not be made more than sixty days prior to the date of application for registration or within sixty days of when a vehicle's registration is transferred; however, if a vehicle was purchased from a motor vehicle dealer and a valid inspection had been made within sixty days of the purchase date, the new owner shall be able to utilize an inspection performed within ninety days prior to the application for registration or transfer. Any vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved pursuant to the safety inspection program established pursuant to sections 307.350 to 307.390 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved pursuant to sections 307.350 to

307.390 in each odd-numbered year. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him.

2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle over the most direct route between the owner's usual place of residence and an inspection station of such owner's choice, notwithstanding the fact that the vehicle does not have a current state registration license. It shall also be lawful to operate such a vehicle from an inspection station to another place where repairs may be made and to return the vehicle to the inspection station notwithstanding the absence of a current state registration license.

3. No person whose motor vehicle was duly inspected and approved as provided in this section shall be required to have the same motor vehicle again inspected and approved for the sole reason that such person wishes to obtain a set of any special personalized license plates available pursuant to section 301.144 or a set of any license plates available pursuant to section 301.142, prior to the expiration date of such motor vehicle's current registration.

4. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 89, Page 13, Section 302.768, Line 67, by inserting after said section and line the following:

“304.580. As used in sections 304.582 and 304.585, the term “construction zone” or “work zone” means any area upon or around any highway as defined in section 302.010 which is visibly marked by the department of transportation or a contractor or subcontractor performing work for the department of transportation as an area where construction, maintenance, incident removal, or other work is temporarily occurring. The term “work zone” or “construction zone” also includes the lanes of highway leading up to the area upon which an activity described in this subsection is being performed, beginning at the point where appropriate signs or traffic control devices are posted or placed. The terms “worker” or “highway worker” as used in sections 304.582 and 304.585 shall mean any person [that] **who** is working in a construction zone or work zone **on a state highway or the right-of-way of a state highway**, [or] any employee of the department of transportation [that] **who** is performing duties under the department's motorist assist program on a state highway or the right-of-way of a state highway, **or any utility worker performing utility work on a state highway or the right-of-way of a state highway**. “Utility worker” means any employee or person employed under contract of a utility that provides gas, heat, electricity, water, steam, telecommunications or cable services, or sewer services, whether privately, municipally, or cooperatively owned, while in performance of his or her job duties.

304.585. 1. A person shall be deemed to commit the offense of “endangerment of a highway worker” upon conviction for any of the following when the offense occurs within a construction zone or work zone, as defined in section 304.580:

- (1) Exceeding the posted speed limit by fifteen miles per hour or more;
  - (2) Passing in violation of subsection 4 of section 304.582;
  - (3) Failure to stop for a work zone flagman or failure to obey traffic control devices erected in the construction zone or work zone for purposes of controlling the flow of motor vehicles through the zone;
  - (4) Driving through or around a work zone by any lane not clearly designated to motorists for the flow of traffic through or around the work zone;
  - (5) Physically assaulting, or attempting to assault, or threatening to assault a highway worker in a construction zone or work zone, with a motor vehicle or other instrument;
  - (6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect workers and motorists in the work zone for a reason other than avoidance of an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person; or
  - (7) Committing any of the following offenses for which points may be assessed under section 302.302:
    - (a) Leaving the scene of an accident in violation of section 577.060;
    - (b) Careless and imprudent driving in violation of subsection 4 of section 304.016;
    - (c) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020;
    - (d) Operating with a suspended or revoked license;
    - (e) Driving while in an intoxicated condition or under the influence of controlled substances or drugs or driving with an excessive blood alcohol content;
    - (f) Any felony involving the use of a motor vehicle.
2. Upon conviction or a plea of guilty for committing the offense of endangerment of a highway worker under subsection 1 of this section if no injury or death to a highway worker resulted from the offense, in addition to any other penalty authorized by law, the person shall be subject to a fine of not more than one thousand dollars and shall have four points assessed to his or her driver's license under section 302.302.
3. A person shall be deemed to commit the offense of "aggravated endangerment of a highway worker" upon conviction or a plea of guilty for any offense under subsection 1 of this section when such offense occurs in a construction zone or work zone as defined in section 304.580 and results in the injury or death of a highway worker. Upon conviction or a plea of guilty for committing the offense of aggravated endangerment of a highway worker, in addition to any other penalty authorized by law, the person shall be subject to a fine of not more than five thousand dollars if the offense resulted in injury to a highway worker and ten thousand dollars if the offense resulted in death to a highway worker. In addition, such person shall have twelve points assessed to their driver's license under section 302.302 and shall be subject to the provisions of section 302.304 regarding the revocation of the person's license and driving privileges.
4. Except for the offense established under subdivision (6) of subsection 1 of this section, no person shall be deemed to commit the offense of endangerment of a highway worker except when the act or omission constituting the offense occurred when one or more highway workers were in the construction zone or work zone.

5. No person shall be cited or convicted for endangerment of a highway worker or aggravated endangerment of a highway worker, for any act or omission otherwise constituting an offense under subsection 1 of this section, if such act or omission resulted in whole or in part from mechanical failure of the person's vehicle or from the negligence of another person or a highway worker.

**6. (1) Notwithstanding any provision of this section or any other law to the contrary, the director of the department of revenue or his or her agent shall order the revocation of a driver's license upon its determination that an individual holding such license was involved in a physical accident where his or her negligent acts or omissions contributed to his or her vehicle striking a highway worker within a designated construction zone or work zone where department of transportation guidelines involving notice and signage were properly implemented. The department shall make its determination of these facts on the basis of the report of a law enforcement officer investigating the incident and this determination shall be final unless a hearing is requested and held as provided under subdivision (2) of this subsection. Upon its determination that the facts support a license revocation, the department shall issue a notice of revocation which shall be mailed to the person at the last known address shown on the department's records. The notice is deemed received three days after mailing unless returned by postal authorities. The notice of revocation shall clearly specify the reason and statutory grounds for the revocation, the effective date of the revocation which shall be at least fifteen days from the date the department issued its order, the right of the person to request a hearing, and the date by which the request for a hearing must be made.**

**(2) An individual who received notice of revocation from the department under this section may seek reinstatement by either:**

**(a) Taking and passing the written and driving portions of the driver's license examination, in which case the individual's driver's license shall be immediately reinstated; or**

**(b) Petitioning for a hearing before a circuit division or associate division of the court in the county in which the work zone accident occurred. The individual may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state, and the director shall maintain possession of the person's license to operate a motor vehicle until the termination of any suspension under this subsection. The clerk of the court shall notify the prosecuting attorney of the county, and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing, the court shall determine only:**

**a. Whether the person was involved in a physical accident where his or her vehicle struck a highway worker within a designated construction or work zone;**

**b. Whether the department of transportation guidelines involving notice and signage were properly implemented in such work zone; and**

**c. Whether the investigating officer had probable cause to believe the person's negligent acts or omissions contributed to his or her vehicle striking a highway worker.**

**If the court determines subparagraph a., b., or c. of this subdivision not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.**

**(3) The department of revenue administrative adjudication to reinstate a driver's license that was revoked under this subsection, and any evidence provided to the department related to such adjudication, shall not be produced by subpoena or any other means and made available as evidence in any other administrative action, civil case, or criminal prosecution. The court's determinations issued under this section, and the evidence provided to the court relating to such determinations, shall not be produced by subpoena or any other means and made available in any other administrative action, civil case, or criminal prosecution. Nothing in this subdivision shall be construed to prevent the department from providing information to the system authorized under 49 U.S.C. Section 31309, or any successor federal law, pertaining to the licensing, identification, and disqualification of operators of commercial motor vehicles.**

304.894. 1. A person commits the offense of endangerment of an emergency responder for any of the following offenses when the offense occurs within an active emergency zone:

(1) Exceeding the posted speed limit by fifteen miles per hour or more;

(2) Passing in violation of subsection 3 of section 304.892;

(3) Failure to stop for an active emergency zone flagman or emergency responder, or failure to obey traffic control devices erected, or personnel posted, in the active emergency zone for purposes of controlling the flow of motor vehicles through the zone;

(4) Driving through or around an active emergency zone via any lane not clearly designated for motorists to control the flow of traffic through or around the active emergency zone;

(5) Physically assaulting, attempting to assault, or threatening to assault an emergency responder with a motor vehicle or other instrument; or

(6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect emergency responders and motorists unless the action was necessary to avoid an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person.

2. Upon a finding of guilt or a plea of guilty for committing the offense of endangerment of an emergency responder under subsection 1 of this section, if no injury or death to an emergency responder resulted from the offense, the court shall assess a fine of not more than one thousand dollars, and four points shall be assessed to the operator's license pursuant to section 302.302 upon conviction.

3. A person commits the offense of aggravated endangerment of an emergency responder upon a finding of guilt or a plea of guilty for any offense under subsection 1 of this section when such offense results in the injury or death of an emergency responder. Upon a finding of guilt or a plea of guilty for committing the offense of aggravated endangerment of an emergency responder, in addition to any other penalty authorized by law, the court shall assess a fine of not more than five thousand dollars if the offense resulted in injury to an emergency responder, and ten thousand dollars if the offense resulted in the death of an emergency responder. In addition, twelve points shall be assessed to the operator's license pursuant to section 302.302 upon conviction.

4. Except for the offense established under subdivision (6) of subsection 1 of this section, no person shall be deemed to have committed the offense of endangerment of an emergency responder except when the act or omission constituting the offense occurred when one or more emergency responders were

responding to an active emergency.

5. No person shall be cited for, or found guilty of, endangerment of an emergency responder or aggravated endangerment of an emergency responder, for any act or omission otherwise constituting an offense under subsection 1 of this section, if such act or omission resulted in whole or in part from mechanical failure of the person's vehicle, or from the negligence of another person or emergency responder.

**6. (1) Notwithstanding any provision of this section or any other law to the contrary, the director of the department of revenue or his or her agent shall order the revocation of a driver's license upon its determination that an individual holding such license was involved in a physical accident where his or her negligent acts or omissions substantially contributed to his or her vehicle striking an emergency responder within an active emergency zone where the appropriate visual markings for active emergency zones were properly implemented. The department shall make its determination of these facts on the basis of the report of a law enforcement officer investigating the incident and this determination shall be final unless a hearing is requested and held as provided under subdivision (2) of this subsection. Upon its determination that the facts support a license revocation, the department shall issue a notice of revocation which shall be mailed to the person at the last known address shown on the department's records. The notice is deemed received three days after mailing unless returned by postal authorities. The notice of revocation shall clearly specify the reason and statutory grounds for the revocation, the effective date of the revocation which shall be at least fifteen days from the date the department issued its order, the right of the person to request a hearing, and the date by which the request for a hearing must be made.**

**(2) An individual who received notice of revocation from the department under this section may seek reinstatement by either:**

**(a) Taking and passing the written and driving portions of the driver's license examination, in which case the individual's driver's license shall be immediately reinstated; or**

**(b) Petitioning for a hearing before a circuit division or associate division of the court in the county in which the emergency zone accident occurred. The individual may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state, and the director shall maintain possession of the person's license to operate a motor vehicle until the termination of any suspension under this subsection. The clerk of the court shall notify the prosecuting attorney of the county, and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing, the court shall determine only:**

**a. Whether the person was involved in a physical accident where his or her vehicle struck an emergency responder within an active emergency zone;**

**b. Whether the guidelines involving notice and signage were properly implemented in such emergency zone; and**

**c. Whether the investigating officer had probable cause to believe the person's negligent acts or omissions substantially contributed to his or her vehicle striking an emergency responder.**



If the court determines subparagraph a., b., or c. of this subdivision not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

(3) The department of revenue administrative adjudication to reinstate a driver's license that was revoked under this subsection, and any evidence provided to the department related to such adjudication, shall not be produced by subpoena or any other means and made available as evidence in any other administrative action, civil case, or criminal prosecution. The court's determinations issued under this section, and the evidence provided to the court relating to such determinations, shall not be produced by subpoena or any other means and made available in any other administrative action, civil case, or criminal prosecution. Nothing in this subdivision shall be construed to prevent the department from providing information to the system authorized under 49 U.S.C. Section 31309, or any successor federal law, pertaining to the licensing, identification, and disqualification of operators of commercial motor vehicles."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS** for **HCS No. 2** for **HB 499**. Representatives: Griesheimer, Ruth, Knight, Windham, Chappelle-Nadal.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **HCS** for **SCS** for **SB 147**, as amended, and requests a further conference on **HCS** for **SCS** for **SB 147**, as amended.

#### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 204**, as amended: Senators Riddle, White, Brown, Walsh and Sifton.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SB 358**, as amended: Senators Sater, White, Romine, Walsh and Rizzo.

#### **PRIVILEGED MOTIONS**

Senator Sater moved that the Senate grant the House further conference on **SCS** for **SB 147**, with **HCS**, as amended, which motion prevailed.

#### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS** for **SB 147**, with **HCS**, as amended: Senators Sater, Libla, Brown, Holsman and Williams.

#### **HOUSE BILLS ON THIRD READING**

Senator Hoskins moved that **HCS** for **HB 604**, with **SCS** and **SS No. 2** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS No.2** for **SCS** for **HB 604** was again taken up.

Senator Nasheed offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 604, Page 83, Section 168.133, Line 21 of said page, by inserting immediately after said line the following:

“168.221. 1. The first five years of employment of all teachers entering the employment of the metropolitan school district shall be deemed a period of probation during which period all appointments of teachers shall expire at the end of each school year. During the probationary period any probationary teacher whose work is unsatisfactory shall be furnished by the superintendent of schools with a written statement setting forth the nature of his or her incompetency. If improvement satisfactory to the superintendent is not made within one semester after the receipt of the statement, the probationary teacher shall be dismissed. The semester granted the probationary teacher in which to improve shall not in any case be a means of prolonging the probationary period beyond five years and six months from the date on which the teacher entered the employ of the board of education. The superintendent of schools on or before the fifteenth day of April in each year shall notify probationary teachers who will not be retained by the school district of the termination of their services. Any probationary teacher who is not so notified shall be deemed to have been appointed for the next school year. Any principal who prior to becoming a principal had attained permanent employee status as a teacher shall upon ceasing to be a principal have a right to resume his or her permanent teacher position with the time served as a principal being treated as if such time had been served as a teacher for the purpose of calculating seniority and pay scale. The rights and duties and remuneration of a teacher who was formerly a principal shall be the same as any other teacher with the same level of qualifications and time of service.

2. After completion of satisfactory probationary services, appointments of teachers shall become permanent, subject to removal for any one or more causes herein described and to the right of the board to terminate the services of all who attain the age of compulsory retirement fixed by the retirement system. In determining the duration of the probationary period of employment in this section specified, the time of service rendered as a substitute teacher shall not be included.

3. No teacher whose appointment has become permanent may be removed except for one or more of the following causes: immorality, incompetency, or inefficiency in line of duty, violation of the published regulations of the school district, violation of the laws of Missouri governing the public schools of the state, or physical or mental condition which incapacitates him for instructing or associating with children, and then only by a vote of not less than a majority of all the members of the board, upon written charges presented by the superintendent of schools, to be heard by the board after thirty days' notice, with copy of the charges served upon the person against whom they are preferred, who shall have the privilege of being present at the hearing, together with counsel, offering evidence and making defense thereto. At the request of any person so charged the hearing shall be public. During any time in which powers granted to the district's board of education are vested in a special administrative board, the special administrative board may appoint a hearing officer to conduct the hearing. **Should the special administrative board relinquish power to the district's elected board of education, such board of education may also appoint a hearing officer to conduct the hearing.** The hearing officer shall conduct the hearing as a contested case under chapter 536 and shall issue a written recommendation to the board rendering the charges against the teacher.

The board shall render a decision on the charges upon the review of the hearing officer's recommendations and the record from the hearing. The action and decision of the board upon the charges shall be final. Pending the hearing of the charges, the person charged may be suspended if the rules of the board so prescribe, but in the event the board does not by a majority vote of all the members remove the teacher upon charges presented by the superintendent, the person shall not suffer any loss of salary by reason of the suspension. Incompetency or inefficiency in line of duty is cause for dismissal only after the teacher has been notified in writing at least thirty days prior to the presentment of charges against him by the superintendent. The notification shall specify the nature of the incompetency or inefficiency with such particularity as to enable the teacher to be informed of the nature of his or her incompetency or inefficiency.

4. No teacher whose appointment has become permanent shall be demoted nor shall his or her salary be reduced unless the same procedure is followed as herein stated for the removal of the teacher because of inefficiency in line of duty, and any teacher whose salary is reduced or who is demoted may waive the presentment of charges against him by the superintendent and a hearing thereon by the board. The foregoing provision shall apply only to permanent teachers prior to the compulsory retirement age under the retirement system. Nothing herein contained shall in any way restrict or limit the power of the board of education to make reductions in the number of teachers or principals, or both, because of insufficient funds, decrease in pupil enrollment, or abolition of particular subjects or courses of instruction, except that the abolition of particular subjects or courses of instruction shall not cause those teachers who have been teaching the subjects or giving the courses of instruction to be placed on leave of absence as herein provided who are qualified to teach other subjects or courses of instruction, if positions are available for the teachers in the other subjects or courses of instruction.

5. Whenever it is necessary to decrease the number of teachers because of insufficient funds or a substantial decrease of pupil population within the school district, the board of education upon recommendation of the superintendent of schools may cause the necessary number of teachers beginning with those serving probationary periods to be placed on leave of absence without pay, but only in the inverse order of their appointment. Nothing herein stated shall prevent a readjustment by the board of education of existing salary schedules. No teacher placed on a leave of absence shall be precluded from securing other employment during the period of the leave of absence. Each teacher placed on leave of absence shall be reinstated in inverse order of his or her placement on leave of absence. Such reemployment shall not result in a loss of status or credit for previous years of service. No appointment of new teachers shall be made while there are available teachers on unrequested leave of absence who are properly qualified to fill such vacancies. Such leave of absence shall not impair the tenure of a teacher. The leave of absence shall continue for a period of not more than three years unless extended by the board.

6. If any regulation which deals with the promotion of teachers is amended by increasing the qualifications necessary to be met before a teacher is eligible for promotion, the amendment shall fix an effective date which shall allow a reasonable length of time within which teachers may become qualified for promotion under the regulations.

7. A teacher whose appointment has become permanent may give up the right to a permanent appointment to participate in the teacher choice compensation package under sections 168.745 to 168.750.

8. Should the state mandate that professional development for teachers be provided in local school districts and any funds be utilized for such, a metropolitan school district shall be allowed to utilize a professional development plan for teachers which is known within the administration as the "St. Louis

Plan”, should the district and the teacher decide jointly to participate in such plan.”; and

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted, which motion prevailed.

Senator Hoskins moved that **SS No. 2** for **SCS** for **HCS** for **HB 604**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Schatz referred **SS No. 2** for **SCS** for **HCS** for **HB 604**, as amended, to the Committee on Fiscal Oversight.

### PRIVILEGED MOTIONS

Senator Emery moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 131**, as amended, and request the House to recede from its position and take up and pass the bill, which motion prevailed.

Senator Wallingford moved that the conference be dissolved and **SB 87**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 87**, as amended, was taken up.

Senator Wallingford moved that **HCS** for **SB 87**, as amended, be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wieland—1

Vacancies—None

On motion of Senator Wallingford, **HCS** for **SB 87**, as amended, was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Williams—31				

NAYS—Senators—None

Absent—Senators

Burlison Holsman—2

Absent with leave—Senator Wieland—1

Vacancies—None

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### HOUSE BILLS ON THIRD READING

**HCS for HBs 243 and 544, with SCS, entitled:**

An Act to amend chapter 441, RSMo, by adding thereto one new section relating to victims of certain crimes.

Was taken up by Senator Arthur.

**SCS for HCS for HBs 243 and 544, entitled:**

### SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 243 and 544

An Act to repeal section 573.110, RSMo, and to enact in lieu thereof two new sections relating to victims of certain crimes, with an existing penalty provision.

Was taken up.

Senator Arthur moved that **SCS for HCS for HBs 243 and 544** be adopted, which motion prevailed.

On motion of Senator Arthur, **SCS for HCS for HBs 243 and 544** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Williams—32			

NAYS—Senators—None

Absent—Senator Sater—1

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Arthur, title to the bill was agreed to.

Senator Arthur moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**PRIVILEGED MOTIONS**

Senator Crawford, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **SB 230**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 230

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for Senate Bill No. 230, with House Amendment Nos. 1 and 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3 as amended, House Amendment Nos. 4, 5, and 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 230, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 230;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 230 be Third Read and Finally Passed.

FOR THE SENATE:  
/s/ Sandy Crawford

FOR THE HOUSE:  
/s/ Jeff Knight

/s/ Ed Emery

/s/ Glen Kolkmeier

/s/ Tony Luetkemeyer

/s/ J. Patterson

/s/ John Rizzo

/s/ Gina Mitten

/s/ Brian Williams

/s/ Ingrid Burnett

Senator Crawford moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Williams—32			

## NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senator Wieland—1

Vacancies—None

On motion of Senator Crawford, **CCS** for **SS** for **SCS** for **SB 230**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 230

An Act to repeal sections 209.625, 472.010, 475.035, 475.115, 476.001, 508.010, and 600.042, RSMo, and to enact in lieu thereof seven new sections relating to judicial proceedings.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Williams—33		

## NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 84**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 228**.

With House Amendment No. 1.

### HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 228, Page 1, Section A, Line 2, by inserting after all of said line the following:

“288.100. 1. (1) The division shall maintain a separate account for each employer which is paying contributions, and shall credit each employer’s account with all contributions which each employer has paid. A separate account shall be maintained for each employer making payments in lieu of contributions to which shall be credited all such payments made. The account shall also show payments due as provided in section 288.090. The division may close and cancel such separate account after a period of four consecutive calendar years during which such employer has had no employment in this state subject to contributions. Nothing in this law shall be construed to grant any employer or individuals in the employer’s service prior claims or rights to the amounts paid by the employer into the fund either on the employer’s own behalf or on behalf of such individuals. Except as provided in subdivision (4) of this subsection, regular benefits and that portion of extended benefits not reimbursed by the federal government paid to an eligible individual shall be charged against the accounts of the individual’s base period employers who are paying contributions subject to the provisions of subdivision (4) of subsection 3 of section 288.090. With respect to initial claims filed after December 31, 1984, for benefits paid to an individual based on wages paid by one or more employers in the base period of the claim, the amount chargeable to each employer shall be obtained by multiplying the benefits paid by a ratio obtained by dividing the base period wages from such employer by the total wages appearing in the base period. Except as provided in this subdivision, the maximum amount of extended benefits paid to an individual and charged against the account of any employer shall not exceed one-half of the product obtained by multiplying the benefits paid by a ratio obtained by dividing the base period wages from such employer by the total wages appearing in the base period. The provisions of this subdivision notwithstanding, with respect to weeks of unemployment beginning after December 31, 1978, the maximum amount of extended benefits paid to an individual and charged against the account of an employer which is an employer [pursuant to] **under** subdivision (3) of subsection 1 of section 288.032 and which is paying contributions [pursuant to] **under** subsections 1 and 2 of section 288.090 shall not exceed the calculated entitlement for the extended benefit claim based upon



the wages appearing within the base period of the extended benefit claim.

(2) Beginning as of June 30, 1951, and as of June thirtieth of each year thereafter, any unassigned surplus in the unemployment compensation fund which is five hundred thousand dollars or more in excess of five-tenths of one percent of the total taxable wages paid by all employers for the preceding calendar year as shown on the division's records on such June thirtieth shall be credited on a pro rata basis to all employer accounts having a credit balance in the same ratio that the balance in each such account bears to the total of the credit balances subject to use for rate calculation purposes for the following year in all such accounts on the same date. As used in this subdivision, the term "unassigned surplus" means the amount by which the total cash balance in the unemployment compensation fund exceeds a sum equal to the total of all employer credit account balances. The amount thus prorated to each separate employer's account shall for tax rating purposes be considered the same as contributions paid by the employer and credited to the employer's account for the period preceding the calculation date except that no such amount can be credited against any contributions due or that may thereafter become due from such employer.

(3) At the conclusion of each calendar quarter the division shall, within thirty days, notify each employer by mail of the benefits paid to each claimant by week as determined by the division which have been charged to such employer's account subsequent to the last notice.

(4) (a) No benefits based on wages paid for services performed prior to the date of any act for which a claimant is disqualified [pursuant to] **under** section 288.050 shall be chargeable to any employer directly involved in such disqualifying act.

(b) In the event the deputy has in due course determined [pursuant to] **under** paragraph (a) of subdivision (1) of subsection 1 of section 288.050 that a claimant quit his or her work with an employer for the purpose of accepting a more remunerative job with another employer which the claimant did accept and earn some wages therein, no benefits based on wages paid prior to the date of the quit shall be chargeable to the employer the claimant quit.

(c) In the event the deputy has in due course determined [pursuant to] **under** paragraph (b) of subdivision (1) of subsection 1 of section 288.050 that a claimant quit temporary work in employment with an employer to return to the claimant's regular employer, then, only for the purpose of charging base period employers, all of the wages paid by the employer who furnished the temporary employment shall be combined with the wages actually paid by the regular employer as if all such wages had been actually paid by the regular employer. Further, charges for benefits based on wages paid for part-time work shall be removed from the account of the employer furnishing such part-time work if that employer continued to employ the individual claiming such benefits on a regular recurring basis each week of the claimant's claim to at least the same extent that the employer had previously employed the claimant and so informs the division within thirty days from the date of notice of benefit charges.

(d) No charge shall be made against an employer's account in respect to benefits paid an individual if the gross amount of wages paid by such employer to such individual is four hundred dollars or less during the individual's base period on which the individual's benefit payments are based. Further, no charge shall be made against any employer's account in respect to benefits paid any individual unless such individual was in employment with respect to such employer longer than a probationary period of [twenty-eight] **ninety** days, if such probationary period of employment has been reported to the division as required by regulation.

(e) In the event the deputy has in due course determined [pursuant to] **under** paragraph (c) of

subdivision (1) of subsection 1 of section 288.050 that a claimant is not disqualified, no benefits based on wages paid for work prior to the date of the quit shall be chargeable to the employer the claimant quit.

(f) In the event the deputy has in due course determined under paragraph (e) of subdivision (1) of subsection 1 of section 288.050 that a claimant is not disqualified, no benefits based on wages paid for work prior to the date of the quit shall be chargeable to the employer the claimant quit.

(g) Nothing in paragraph (b), (c), (d), (e), or (f) of this subdivision shall in any way affect the benefit amount, duration of benefits or the wage credits of the claimant.

2. The division may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by two or more employers, and shall, in accordance with such regulations and upon application by two or more employers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

3. The division may by regulation provide for the compilation and publication of such data as may be necessary to show the amounts of benefits not charged to any individual employer's account classified by reason no such charge was made and to show the types and amounts of transactions affecting the unemployment compensation fund.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 282**, entitled:

An Act to repeal sections 193.145, 193.265, 194.119, 194.225, 302.171, and 333.011, RSMo, and to enact in lieu thereof seven new sections relating to the disposition of human remains.

With House Amendment No. 1.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 282, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“36.020. Unless the context clearly requires otherwise, the following terms mean:

(1) “Agency”, “state agency” or “agency of the state”, each department, board, commission or office of the state except for offices of the elected officials, the general assembly, the judiciary and academic institutions;

(2) “Appointing authority”, an officer or agency subject to this chapter having power to make appointments;

(3) “Board”, the personnel advisory board as established by section 36.050;

(4) “Broad classification band”, a grouping of positions with similar levels of responsibility or expertise;

(5) “Class”, “class of positions”, or “job class”, a group of positions subject to this chapter sufficiently alike in duties, authority and responsibilities to justify the same qualifications and the same schedule of pay to all positions in the group;

(6) “Director”, the director of the division of personnel of the office of administration;

(7) “Disabled veteran”, a veteran who has served on active duty in the Armed Forces at any time who receives compensation as a result of a service-connected disability claim allowed by the federal agency responsible for the administration of veteran’s affairs, or who receives disability retirement or disability pension benefits from a federal agency as a result of such a disability or a National Guard veteran who was permanently disabled as a result of active service to the state at the call of the governor;

(8) “Division of service” or “division”, a state department or any division or branch of the state, or any agency of the state government, all the positions and employees in which are under the same appointing authority;

(9) “Eleemosynary or penal institutions”, an institution within state government holding, housing, or caring for inmates, patients, veterans, juveniles, or other individuals entrusted to or assigned to the state where it is anticipated that such individuals will be in residence for longer than one day. Eleemosynary or penal institutions shall not include elementary, secondary, or higher education institutions operated separately or independently from the foregoing institutions;

(10) “Eligible”, a person whose name is on a register or who has been determined to meet the qualifications for a class or position;

(11) “Employee”, shall include only those persons employed in excess of thirty-two hours per calendar week, for a duration that could exceed six months, by a state agency and shall not include patients, inmates, or residents in state eleemosynary or penal institutions who work for the state agency operating an eleemosynary or penal institutions;

(12) “Examination” or “competitive examination”, a means of determining eligibility or fitness for a class or position;

(13) “Open competitive examination”, a selection process for positions in a particular class, admission to which is not limited to persons employed in positions subject to this chapter pursuant to subsection 1 of section 36.030;

(14) “Promotional examination”, a selection process for positions in a particular class, admission to which is limited to employees with regular status in positions subject to this chapter pursuant to subsection 1 of section 36.030;

(15) “Register of eligibles”, a list, which may be restricted by locality, of persons who have been found qualified for appointment to a position subject to this chapter pursuant to subsection 1 of section 36.030;

(16) “Regular employee”, a person employed in a position described under subdivision (2) of subsection 1 of section 36.030 who has successfully completed a probationary period as provided in section 36.250;

(17) “State equal employment opportunity officer”, the individual designated by the governor or the commissioner of administration as having responsibility for monitoring the compliance of the state as an employer with applicable equal employment opportunity law and regulation and for leadership in efforts to establish a state workforce which reflects the diversity of Missouri citizens at all levels of employment;

(18) “Surviving spouse”, the unmarried surviving spouse of a deceased disabled veteran or the unmarried [survivor’s] **surviving** spouse of any person who was killed while on active duty in the Armed Forces of the United States or an unmarried surviving spouse of a National Guard veteran who was killed as a result of active service to the state at the call of the governor;

(19) “Veteran”, any person who is a citizen of this state who has been separated under honorable conditions from the Armed Forces of the United States who served on active duty during peacetime or wartime for at least six consecutive months, unless released early as a result of a service-connected disability or a reduction in force at the convenience of the government, or any member of a reserve or National Guard component who has satisfactorily completed at least six years of service or who was called or ordered to active duty by the President and participated in any campaign or expedition for which a campaign badge or service medal has been authorized.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has receded from its position on **HCS**, as amended and has again taken up and passed **SCS** for **SB 174**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 2**.

Concurrent Resolution enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS**, as amended for **HCS** for **HB 447** and has taken up and passed **SCS** for **HCS** for **HB 447**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCS** for **HB 565**, as amended, and has taken up and passed **SS** for **SCS** for **HB 565**, as amended.

### PRIVILEGED MOTIONS

Senator Sater moved that **SB 514**, with **HA 1** and **HA 2** be taken up for 3rd reading and final passage, which motion prevailed.

**HA 1** was taken up.

Senator Sater moved that the above amendment be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wieland—1

Vacancies—None

**HA 2** was taken up.

Senator Sater moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Williams—32			

NAYS—Senators—None

Absent—Senator Curls—1

Absent with leave—Senator Wieland—1

Vacancies—None

On motion of Senator Sater, **SB 514**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Williams—31				

NAYS—Senators—None

Absent—Senators

Curls                      Nasheed—2

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Hoskins	Hough	Koenig	Libla

Luetkemeyer	May	O’Laughlin	Onder	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Williams—30					

NAYS—Senators—None

Absent—Senators

Curls	Holsman	Nasheed—3
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Absent with leave—Senator Wieland—1

Vacancies—None

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 399**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

### PRIVILEGED MOTIONS

Senator Hoskins moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 399**, as amended, and grant the House a conference thereon, which motion prevailed.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 399**, as amended: Senators Hoskins, Eigel, Onder, Walsh and Schupp.

### HOUSE BILLS ON THIRD READING

At the request of Senator Hough, **HB 214** was placed on the Informal Calendar.

**HCS** for **HB 1088**, entitled:

An Act to amend chapter 37, RSMo, by adding thereto one new section relating to the office of administration.

Was taken up by Senator Hoskins.

Senator Hoskins offered **SS** for **HCS** for **HB 1088**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1088

An Act to repeal sections 33.150, 34.040, 34.042, 34.044, 34.047, 536.015, 536.025, 536.031, 536.033, 536.200, and 536.205, RSMo, and to enact in lieu thereof twelve new sections relating to the office of administration.

Senator Hoskins moved that **SS** for **HCS** for **HB 1088** be adopted.

Senator Rizzo offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 1088, Page 9, Section 34.047, Line 23 by inserting immediately after all of said line the following:

“37.007. Within six months of August 28, 2012, the commissioner of the office of administration shall develop and implement a statewide system or contract with any third party to allow all state agencies and departments to accept payments made by a credit card, debit card, or other electronic method designated by the commissioner. State agencies and departments shall not incur any additional fees for utilizing such payment methods, **unless authorized by the commissioner of administration upon a finding that the payment of such fees would result in a positive fiscal impact to the state.**”; and

Further amend the title and enacting clause accordingly.

Senator Rizzo moved that the above amendment be adopted, which motion prevailed.

Senator Bernskoetter offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 1088, Page 9, Section 37.960, Line 22, by inserting after all of said line the following:

“**174.345. Nothing shall prohibit an institution under this chapter from entering into a long-term concession with a private developer to construct, operate, maintain, and finance the project in exchange for annual payments subject to abatement for nonperformance. For the purposes of this section, a concession agreement shall be defined as a license or lease between a private partner and an institution of higher education for the development, operation, maintenance, or finance of a project.**”; and

Further amend the title and enacting clause accordingly.

Senator Bernskoetter moved that the above amendment be adopted, which motion prevailed.

Senator Hoskins moved that **SS** for **HCS** for **HB 1088**, as amended be adopted, which motion prevailed.

On motion of Senator Hoskins, **SS** for **HCS** for **HB 1088**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder

Riddle	Rizzo	Romine	Rowden	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Williams—32			

NAYS—Senators—None

Absent—Senator Sater—1

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hoskins, title to the bill was agreed to.

Senator Hoskins moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**HB 355**, introduced by Representative Plocher, with **SCS**, entitled:

An Act to repeal sections 386.510 and 386.515, RSMo, and to enact in lieu thereof two new sections relating to the public service commission.

Was taken up by Senator Wallingford.

**SCS** for **HB 355**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 355

An Act to repeal sections 386.020, 386.510, and 386.515, RSMo, and to enact in lieu thereof four new sections relating to matters within the scope of the public service commission.

Was taken up.

Senator Wallingford moved that **SCS** for **HB 355** be adopted.

Senator Cierpiot offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 355, Page 4, Section 386.020, Lines 92-99, by striking said lines and inserting in lieu thereof the following:

**“(c) Persons or corporations not otherwise engaged in the production or sale of electricity at wholesale or retail that sell, lease, own, control, operate, or manage one or more electric vehicle charging stations;”**; and further amend said section by renumbering the remaining subdivisions accordingly; and

Further amend said bill, Page 12, Section 386.805, line 4, by striking “the” and inserting in lieu thereof the following: **“their”**.

Senator Cierpiot moved that the above amendment be adopted, which motion prevailed.



Senator Cunningham offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 355, Page 13, Section 386.805, Line 8, by inserting after all of said line the following:

“537.340. 1. If any person shall cut down, injure or destroy or carry away any tree placed or growing for use, shade or ornament, or any timber, rails or wood standing, being or growing on the land of any other person, including any governmental entity, or shall dig up, quarry or carry away any stones, ore or mineral, gravel, clay or mold, or any ice or other substance or material being a part of the realty, or any roots, fruits or plants, or cut down or carry away grass, grain, corn, flax or hemp in which such person has no interest or right, standing, lying or being on land not such person's own, or shall knowingly break the glass or any part of it in any building not such person's own, the person so offending shall pay to the party injured treble the value of the things so injured, broken, destroyed or carried away, with costs. Any person filing a claim for damages pursuant to this section need not prove negligence or intent.

2. Notwithstanding the provisions of subsection 1 of this section, the following rules shall apply to the trimming, removing, and controlling of trees and other vegetation by any electric supplier:

(1) Every electric supplier that operates electric transmission or distribution lines shall have the authority to maintain the same by trimming, removing, and controlling trees and other vegetation posing a hazard to the continued safe and reliable operation thereof;

(2) An electric supplier may exercise its authority under subdivision (1) of this subsection if the trees and other vegetation are within the legal description of any recorded easement or, in the absence of a recorded easement, the following:

(a) Within ten feet, plus one-half the length of any attached cross arm, of either side of the centerline of electricity lines potentially energized at or below 34.5 kilovolts measured line to line and located within the limits of any city; or

(b) Within thirty feet of either side of the centerline of electricity lines potentially energized at or below 34.5 kilovolts measured line to line and located outside the limits of any city; or

(c) Within fifty feet of either side of the centerline of electricity lines potentially energized between 34.5 and one hundred kilovolts measured line to line; or

(d) Within the greater of the following for any electricity lines potentially energized at one hundred kilovolts or more measured line to line:

a. Seventy-five feet to either side of the centerline; or

b. Any required clearance distance adopted by either the Federal Energy Regulatory Commission or an Electric Reliability Organization authorized by the Energy Policy Act of 2005, 16 U.S.C. Section 824o. Such exercise shall be considered reasonable and necessary for the proper and reliable operation of electric service and shall create a rebuttable presumption, in claims for property damage, that the electric supplier acted with reasonable care, operated within its rights regarding the operation and maintenance of its electricity lines, and has not committed a trespass;

(3) An electric supplier may trim, remove, and control trees and other vegetation outside the provisions in subdivision (2) of this subsection if such actions are necessary to maintain the continued safe and reliable

operation of its electric lines;

(4) An electric supplier may secure from the owner or occupier of land greater authority to trim, remove, and control trees and other vegetation than the provisions set forth in subdivision (2) of this subsection and may exercise any and all rights regarding the trimming, removing, and controlling of trees and other vegetation granted in any easement held by the electric supplier;

(5) An electric supplier may trim or remove any tree of sufficient height outside the provisions of subdivision (2) of this subsection when such tree, if it were to fall, would threaten the integrity and safety of any electric transmission or distribution line and would pose a hazard to the continued safe and reliable operation thereof;

(6) Prior to the removal of any tree under the provisions of subdivision (5) of this subsection, an electric supplier shall notify the owner or occupier of land, if available, at least fourteen days prior to such removal unless either the electric supplier deems the removal to be immediately necessary to continue the safe and reliable operation of its electricity lines, or the electric supplier is trimming or removing trees and other vegetation following a major weather event or other emergency situation;

(7) If any tree which is partially trimmed by an electric supplier dies within three months as a result of said trimming, the owner or occupier of land upon which the tree was trimmed may request in writing that the electric supplier remove said tree at the electric supplier's expense. The electric supplier shall respond to such request within ninety days;

(8) Nothing in this subsection shall be interpreted as requiring any electric supplier to fully exercise the authorities granted in this subsection.

3. For purposes of this section, the term “electric supplier” means any rural electric cooperative that is subject to the provisions of chapter 394[, and]; any electrical corporation which is required by its bylaws to operate on the not-for-profit cooperative business plan, with its consumers who receive service as the stockholders of such corporation, and which holds a certificate of public convenience and necessity to serve a majority of its customer-owners in counties of the third classification as of August 28, 2003; **any municipally owned or operated electric power system that is subject to the provisions of chapter 91; and any municipally owned utility whose service area is set by state statute, service agreement, or other authority to include areas which are not incorporated into city limits.”**; and

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Romine offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 355, Page 11, Section 386.020, Line 352, by inserting immediately after said line the following:

“386.135. 1. The commission [shall have] **may retain** an independent technical advisory staff of up to six full-time employees. The **technical** advisory staff shall have expertise in accounting, economics, finance, engineering/utility operations, law, or public policy.

2. In addition, each commissioner [shall] **may** also [have the authority to] retain one personal advisor[, who shall be deemed a member of the technical advisory staff]. The personal advisors [will] **shall** serve at

the pleasure of the individual commissioner whom they serve and shall possess expertise in one or more of the following fields: accounting, economics, finance, engineering/utility operations, law, or public policy.

3. The commission shall only [hire technical] **establish technical advisory staff and personal advisor positions** pursuant to subsections 1 and 2 of this section if there is a corresponding elimination in comparable staff positions for commission staff to offset the hiring of such technical advisory staff and **personal advisors** on a cost-neutral basis. [Such technical advisory staff shall be hired on or before July 1, 2005.]

4. It shall be the duty of the technical advisory staff **and personal advisors** to render advice and assistance to the commissioners and the commission's administrative law judges on technical matters within their respective areas of expertise that may arise during the course of proceedings before the commission. **Communications with the technical advisory staff or the personal advisors regarding deliberations by the commission or matters that may arise during the course of proceedings before the commission shall be deemed privileged and protected from disclosure.**

5. The technical advisory staff shall also update the commission and the commission's administrative law judges periodically on developments and trends in public utility regulation, including updates comparing the use, nature, and effect of various regulatory practices and procedures as employed by the commission and public utility commissions in other jurisdictions.

6. Each member of the technical advisory staff **and the personal advisors** shall be subject to any applicable ex parte or conflict of interest requirements in the same manner and to the same degree as any commissioner[, provided that neither any person regulated by, appearing before, or employed by the commission shall be permitted to offer such member a different appointment or position during that member's tenure on the technical advisory staff.

7. No employee of a company or corporation regulated by the public service commission, no employee of the office of public counsel or the public counsel, and no staff members of either the utility operations division or utility services division who were an employee or staff member on, during the two years immediately preceding, or anytime after August 28, 2003, may be a member of the commission's technical advisory staff for two years following the termination of their employment with the corporation, office of public counsel or commission staff member]. **All technical advisory staff members and the personal advisors who were previously employees of entities regulated by or appearing before the commission shall be precluded from advising the commission on cases in which the technical advisory staff member or personal advisor participated while employed by the entity.**

[8.] 7. The technical advisory staff and personal advisors shall never be a party to any case before the commission.”; and

Further amend the title and enacting clause accordingly.

Senator Romine moved that the above amendment be adopted, which motion prevailed.

Senator Hough offered SA 4:

#### SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 355, Page 13, Section 386.805, Line 8, by inserting after all of said line the following:

**“569.086. 1. As used in this section, “critical infrastructure facility” means any of the following**

facilities that are under construction or operational: a petroleum or alumina refinery; critical electric infrastructure, as defined in 18 CFR Section 118.113(c)(3) including, but not limited to, an electrical power generating facility, substation, switching station, electrical control center, or electric power lines and associated equipment infrastructure; a chemical, polymer, or rubber manufacturing facility; a water intake structure, water storage facility, water treatment facility, wastewater treatment plant, wastewater pumping facility, or pump station; a natural gas compressor station; a liquid natural gas terminal or storage facility; a telecommunications central switching office; wireless telecommunications infrastructure, including cell towers, telephone poles and lines, including fiber optic lines; a port, railroad switching yard, railroad tracks, trucking terminal, or other freight transportation facility; a gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids; a transmission facility used by a federally licensed radio or television station; a steelmaking facility that uses an electric arc furnace to make steel; a facility identified and regulated by the United States Department of Homeland Security Chemical Facility Anti-Terrorism Standards (CFATS) program; a dam that is regulated by the state or federal government; a natural gas distribution utility facility including, but not limited to, natural gas distribution and transmission mains and services, pipeline interconnections, a city gate or town border station, metering station, aboveground piping, a regulator station, and a natural gas storage facility; a crude oil or refined products storage and distribution facility including, but not limited to, valve sites, pipeline interconnection, pump station, metering station, below or aboveground pipeline or piping and truck loading or offloading facility, a grain mill or processing facility; a generation, transmission, or distribution system of broadband internet access; or any aboveground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, railroad facility, or other storage facility that is enclosed by a fence, other physical barrier, or is clearly marked with signs prohibiting trespassing, that are obviously designed to exclude intruders.

2. A person commits the offense of trespass on a critical infrastructure facility if he or she purposely trespasses or enters property containing a critical infrastructure facility without the permission of the owner of the property or lawful occupant thereof. The offense of trespass on a critical infrastructure facility is a class B misdemeanor. If it is determined that the intent of the trespasser is to damage, destroy, or tamper with equipment, or impede or inhibit operations of the facility, the person shall be guilty of a class A misdemeanor.

3. A person commits the offense of damage of a critical infrastructure if he or she purposely damages, destroys, or tampers with equipment in a critical infrastructure facility. The offense of damage of a critical infrastructure facility is a class D felony.

4. This section shall not apply to conduct protected under the Constitution of the United States, the Constitution of the state of Missouri, or a state or federal law or rule.”; and

Further amend the title and enacting clause accordingly.

Senator Hough moved that the above amendment be adopted, which motion prevailed.

Senator Emery offered SA 5:

#### SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Bill No. 355, Page 1, In the Title, Lines 3-4, by striking “matters within the scope of the public service commission” and inserting in lieu thereof the following:

“utilities”; and

Further amend said bill and page, Section A, line 3, by inserting after all of said line the following:

“88.770. 1. The board of aldermen may provide for and regulate the lighting of streets and the erection of lamp posts, poles and lights therefor, and may make contracts with any person, association or corporation, either private or municipal, for the lighting of the streets and other public places of the city with gas, electricity or otherwise, except that each initial contract shall be ratified by a majority of the voters of the city voting on the question and any renewal contract or extension shall be subject to voter approval of the majority of the voters voting on the question, pursuant to the provisions of section 88.251. The board of aldermen may erect, maintain and operate gas works, electric light works, or light works of any other kind or name, and to erect lamp posts, electric light poles, or any other apparatus or appliances necessary to light the streets, avenues, alleys or other public places, and to supply private lights for the use of the inhabitants of the city and its suburbs, and may regulate the same, and may prescribe and regulate the rates to be paid by the consumers thereof, and may acquire by purchase, donation or condemnation suitable grounds within or without the city upon which to erect such works and the right-of-way to and from such works, and also the right-of-way for laying gas pipes, electric wires under or above the grounds, and erecting posts and poles and such other apparatus and appliances as may be necessary for the efficient operation of such works. The board of aldermen may, in its discretion, grant the right to any person, persons or corporation, to erect such works and lay the pipe, wires, and erect the posts, poles and other necessary apparatus and appliances therefor, upon such terms as may be prescribed by ordinance. Such rights shall not extend for a longer time than twenty years, but may be renewed for another period or periods not to exceed twenty years per period. Every initial grant shall be approved by a majority of the voters of the municipality voting on the question, and each renewal or extension of such rights shall be subject to voter approval of the majority of the voters voting on the question, pursuant to the provisions of section 88.251. Nothing herein contained shall be so construed as to prevent the board of aldermen from contracting with any person, persons or corporation for furnishing the city with gas or electric lights in cities where franchises have already been granted, and where gas or electric light plants already exist, without a vote of the people, except that the board of aldermen may sell, convey, encumber, lease, abolish or otherwise dispose of any public utilities owned by the city including electric light systems, electric distribution systems or transmission lines, or any part of the electric light systems, electric or other heat systems, electric or other power systems, electric or other railways, gas plants, telephone systems, telegraph systems, transportation systems of any kind, waterworks, equipments and all public utilities not herein enumerated and everything acquired therefor, after first having passed an ordinance setting forth the terms of the sale, conveyance or encumbrance and when ratified by two-thirds of the voters voting on the question, except for the sale of a water or wastewater system, or the sale of a gas plant, which shall be authorized by a simple majority vote of the voters voting on the question. In the event of the proposed sale of a water or wastewater system, or a gas plant, the board of alderman shall hold a public meeting on such proposed sale at least thirty days prior to the vote. The municipality in question shall notify its customers of the informational meeting through radio, television, newspaper, regular mail, electronic mail, or any combination of notification methods to most effectively notify customers at least fifteen days prior to the informational meeting. **In advance of putting a proposed sale of a water or wastewater system, or a gas plant before the voters, the board of aldermen may seek an appraisal as set forth in subsections 3 and 4 of section 393.320. The board may also seek and provide additional reasonable analyses to inform voters of such sale, including but not limited to, the impact of such sale on all city funds and revenues, other city services, and annexation. Nothing in this section shall be so construed as to discourage the board of aldermen from seeking multiple bids when considering the**

**disposal of a water or wastewater system or a gas plant by sale.**

**2. The board of aldermen's determination of the fair market value of a water or wastewater system or a gas plant for the purposes of this section shall not be dispositive of the price of a water or wastewater system, or a gas plant, which may be subject to negotiation by the board of aldermen.**

**3. The board of aldermen may consider alternatives to disposing of a water or wastewater system, or a gas plant by sale, including entering into a finance agreement, purchase agreement, management agreement, or lease agreement with another entity.**

**4. The board of aldermen may make available on its internet site, if such internet site exists, at least forty-five days prior to submitting a proposal for election pursuant to this section, a copy of the appraisal or additional reasonable analyses under subsection 1 of this section and the fair market value of a water or wastewater system or a gas plant. Such information may also be posted in the building where the board of aldermen has its monthly meetings.**

**5. The board of aldermen may make a good-faith effort to notify each property owner of the city and each ratepayer of a water or wastewater system or a gas plant of the proposal to dispose of the water or wastewater system, or a gas plant, by sale through radio, television, newspaper, regular mail, electronic mail, or any combination of such notification methods. Such notice may also include instructions for locating a summary of the proposal and a summary of any appraisal and analyses as under subsection 1 of this section on the board of aldermen's internet site, if such internet site exists. In the event the board of aldermen does not have an internet site, the notice may inform the recipient that written copies of such information may be made available at the building where the board of aldermen has its monthly meetings.**

**6. Nothing in this section shall be construed as a violation of section 115.646, relating to the use of public funds to advocate, support, or oppose the ballot measure prescribed in subsection 7 of this section.**

**7. The ballots shall be substantially in the following form and shall indicate the property, or portion thereof, and whether the same is to be sold, leased or encumbered:**

Shall \_\_\_\_\_ (Indicate the property by stating whether electric distribution system, electric transmission lines or waterworks, etc.) be \_\_\_\_\_ (Indicate whether sold, leased or encumbered.)?"; and

Further amend the title and enacting clause accordingly.

Senator Emery moved that the above amendment be adopted, which motion prevailed.

Senator Hough offered SA 6:

#### SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Bill No. 355, Page 1, Section A, Line 3 by inserting after all of said line the following:

"327.401. 1. The right to practice as an architect or to practice as a professional engineer or to practice as a professional land surveyor or to practice as a professional landscape architect shall be deemed a personal right, based upon the qualifications of the individual, evidenced by such individual's professional license and shall not be transferable; but any architect or any professional engineer or any professional land surveyor or any professional landscape architect may practice his or her profession through the medium of,

or as a member or as an employee of, a partnership or corporation if the plans, specifications, estimates, plats, reports, surveys or other like documents or instruments of the partnership or corporation are signed and stamped with the personal seal of the architect, professional engineer, professional land surveyor, or professional landscape architect by whom or under whose immediate personal supervision the same were prepared and provided that the architect or professional engineer or professional land surveyor or professional landscape architect who affixes his or her signature and personal seal to any such plans, specifications, estimates, plats, reports or other documents or instruments shall be personally and professionally responsible therefor.

2. Any domestic corporation formed under the corporation law of this state, or any foreign corporation, now or hereafter organized and having as one of its purposes the practicing of architecture or professional engineering or professional land surveying or professional landscape architecture and any existing corporation which amends its charter to propose to practice architecture or professional engineering or professional land surveying or professional landscape architecture shall obtain a certificate of authority for each profession named in the articles of incorporation or articles of organization from the board which shall be renewed in accordance with the provisions of section 327.171 or 327.261 or 327.351, as the case may be, and from and after the date of such certificate of authority and while the authority or a renewal thereof is in effect, may offer and render architectural or professional engineering or professional land surveying or professional landscape architectural services in this state if:

(1) At all times during the authorization or any renewal thereof the directors of the corporation shall have assigned responsibility for the proper conduct of all its architectural or professional engineering or professional land surveying or professional landscape architectural activities in this state to an architect licensed and authorized to practice architecture in this state or to a professional engineer licensed and authorized to practice engineering in this state or to a professional land surveyor licensed and authorized to practice professional land surveying in this state, or to a professional landscape architect licensed and authorized to practice professional landscape architecture in this state, as the case may be; and

(2) The person or persons who is or are personally in charge and supervises or supervise the architectural or professional engineering or professional land surveying or professional landscape architectural activities, as the case may be, of any such corporation in this state shall be licensed and authorized to practice architecture or professional engineering or professional land surveying or professional landscape architecture, as the case may be, as provided in this chapter; and

(3) The corporation pays such fees for the certificate of authority, renewals or reinstatements thereof as are required.

**The provisions of this subsection requiring corporations to obtain a certificate of authority shall not apply to any rural electrical cooperative organized under the provisions of chapter 394 or to any corporation organized on a nonprofit or a cooperative basis as described in subsection 1 of section 394.200, or to any electrical corporation operating under cooperative business plan, as described in subsection 2 of section 393.110.”; and**

Further amend the title and enacting clause accordingly.

Senator Hough moved that the above amendment be adopted, which motion prevailed.

Senator Wallingford moved that SCS for **HB 355**, as amended, be adopted, which motion prevailed.

Senator Wallingford moved that SCS for **HB 355**, as amended, be read the 3rd time and passed and was

recognized to close.

President Pro Tem Schatz referred **SCS** for **HB 355**, as amended, to the Committee on Fiscal Oversight.

Senator Emery moved that **HB 113**, with **SCS**, **SS** for **SCS**, **SA 2** and **SSA 1** for **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Emery, **SS** for **SCS** for **HB 113** was withdrawn, rendering **SA 2** and **SSA 1** for **SA 2** moot.

Senator Emery offered **SS No. 2** for **SCS** for **HB 113**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 113

An Act to repeal sections 32.056, 43.540, 190.092, 190.335, 195.140, 210.1014, 217.195, 221.111, 311.660, 311.710, 311.720, 313.004, 313.255, 337.068, 479.020, 479.353, 488.5050, 556.061, 558.019, 567.050, 572.010, 572.100, 610.021, and 650.035, RSMo, section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, section 211.071 as enacted by senate bill no. 793 merged with senate bill no. 800, ninety-ninth general assembly, second regular session, and section 211.071 as enacted by house bill no. 215 merged with senate bill no. 36, ninety-seventh general assembly, first regular session, and section 190.462 as truly agreed to and finally passed by senate substitute for senate committee substitute for senate bill no. 291, one hundredth general assembly, first regular session, and to enact in lieu thereof forty-seven new sections relating to public safety, with penalty provisions and an emergency clause for certain sections.

Senator Emery moved that **SS No. 2** for **SCS** for **HB 113** be adopted.

Senator Emery offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 113, Page 106, Section 569.086, Lines 3-8 of said page, by striking said lines; and further amend said section by renumbering the remaining subsection accordingly.

Senator Emery moved that the above amendment be adopted.

At the request of Senator Emery, **HB 113**, with **SCS**, **SS No. 2** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 4**, entitled:

HOUSE CONCURRENT RESOLUTION NO. 4

Relating to the "National Day of the Cowboy"

WHEREAS, Missouri's pioneering men and women, known as cowboys, helped establish America's frontier; and



WHEREAS, the first large-scale effort to drive cattle from Texas to the nearest railhead for shipment to Chicago occurred in 1866, when many Texas ranchers banded together to drive their cattle to the closest point that railroad tracks reached, which at that time was Sedalia, Missouri, now known as the Trail's End in Sedalia, Missouri; and

WHEREAS, the Kansas City Stockyards were established in 1871 in the West Bottoms, west of downtown Kansas City, and flourished until closing in 1991. The stockyards were built around the facilities of the Central Overland California and Pike's Peak Express Company, which had outfitted travelers on the Santa Fe Trail and Oregon Trail following the Kansas River. The company went out of business in 1862 following the failure of its Pony Express business from St. Joseph, Missouri, to Sacramento, California; and

WHEREAS, the stockyards and Hereford breeders began the American Royal Livestock and Horse Show in October of 1899 as the National Hereford Show, the first nationwide show for the exposition and sale of purebred cattle. In 1907 the first American Royal Horse Show was added and now includes five different shows, known as the Quarter Horse Show, the Hunter-Jumper Horse Show, the Arabian Horse Show, the Youth Horse Show, and the Cutting Horse Show. The American Royal is an annual eight-week season of barbecue competition, rodeos, livestock shows, equestrian events, and agricultural activities benefitting youth and education; and

WHEREAS, in 1926, the American Royal began inviting vocational agriculture students to judge the livestock shows. During the 1928 American Royal, 33 of the students meeting at the Baltimore Hotel in downtown Kansas City formed the Future Farmers of America. Now, the National FFA Organization has 579,678 members; and

WHEREAS, the cowboy archetype transcends gender, generations, ethnicity, geographic boundaries, and political affiliations; and

WHEREAS, the cowboy embodies honesty, integrity, courage, compassion, and determination; and

WHEREAS, the cowboy vaquero spirit exemplifies patriotism and strength of character and is an excellent steward of the land and its creatures; and

WHEREAS, the core values expressed within the Cowboy Code of Conduct continue to inspire the pursuit of the highest caliber of personal integrity; and

WHEREAS, cowboy and ranching traditions have been part of the American landscape and culture since 1523, and today's cowboys continue to strive to preserve and perpetuate this unique element of America's heritage; and

WHEREAS, membership and participation in the National Day of the Cowboy Organization and other organizations that encompass the livelihood of the cowboy continue to expand both nationally and internationally; and

WHEREAS, the cowboy and his horse are a central figure in literature, art, film, poetry, photography, and music; and

WHEREAS, the cowboy is a true American icon occupying a central place in the public's imagination;

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the One Hundredth General Assembly, First Regular Session, the Senate concurring therein, hereby designate the fourth Saturday in July each year as "National Day of the Cowboy" in Missouri; and

BE IT FURTHER RESOLVED that the General Assembly recommends to the citizens to observe the day with appropriate ceremonies and activities; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 656**, entitled:

An Act to repeal sections 115.631 and 115.637, RSMo, and to enact in lieu thereof two new sections relating to election offenses, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to

act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 399**, as amended. Representatives: Basye, Ruth, Muntzel, Sauls, Ellebracht.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 147**, as amended. Representatives: Taylor, Eggleston, Roden, Bangert, Rogers.

### **REPORTS OF STANDING COMMITTEES**

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which was referred **HCS No. 2** for **HB 626**; **HCS** for **HB 207**; **HJR 54**, **HB 758**, with **SCS**; **HB 1237**, with **SCS**; and **HB 637**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

### **PRIVILEGED MOTIONS**

Senator Riddle moved that the conference committee on **HCS** for **SB 204**, be allowed to exceed the differences to add language relating to athletic trainers in Chapter 334, RSMo, which motion prevailed.

### **RESOLUTIONS**

Senator Williams offered Senate Resolution No. 959, regarding Camilo Haller, St. Louis, which was adopted.

Senator Walsh offered Senate Resolution No. 960, regarding Code Enforcement Officer Gary Schlottach, St. Louis, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 961, regarding Elizabeth Stilley, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 962, regarding Aaron Evans, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 963, regarding Victoria Butler, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 964, regarding Xavier Pociask, which was adopted.

Senator Romine offered Senate Resolution No. 965, regarding Rebecca Hawthorn, Festus, which was adopted.

Senator Cunningham offered Senate Resolution No. 966, regarding Barbara Brumitt, Doniphan, which was adopted.

Senator Nasheed offered Senate Resolution No. 967, regarding Herschel D. Parks Jr., St. Louis, which was adopted.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

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SIXTY-NINTH DAY—FRIDAY, MAY 17, 2019

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FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1006-Rehder

HCS for HB 656

THIRD READING OF SENATE BILLS

SCS for SB 465-Burlison (In Fiscal Oversight)

SB 255-Bernskoetter

SENATE BILLS FOR PERFECTION

- |                               |                                  |
|-------------------------------|----------------------------------|
| 1. SB 430-Libla               | 17. SB 286-Hough                 |
| 2. SB 186-Hegeman             | 18. SB 325-Crawford, with SCS    |
| 3. SB 302-Wallingford         | 19. SBs 8 & 74-Emery, with SCS   |
| 4. SB 347-Burlison            | 20. SB 386-O'Laughlin, with SCS  |
| 5. SB 439-Brown               | 21. SB 272-Emery, with SCS       |
| 6. SB 303-Riddle, with SCS    | 22. SB 265-Luetkemeyer, with SCS |
| 7. SB 376-Riddle              | 23. SB 135-Sifton, with SCS      |
| 8. SB 82-Cunningham, with SCS | 24. SB 342-Curls and Nasheed     |
| 9. SB 161-Cunningham          | 25. SB 424-Luetkemeyer           |
| 10. SB 144-Burlison, with SCS | 26. SB 367-Burlison              |
| 11. SJR 20-Koenig, with SCS   | 27. SB 22-Nasheed, with SCS      |
| 12. SB 208-Wallingford        | 28. SJR 25-Libla, with SCS       |
| 13. SB 189-Crawford, with SCS | 29. SB 140-Koenig, with SCS      |
| 14. SB 385-Bernskoetter       | 30. SJR 21-May                   |
| 15. SB 409-Wieland, et al     | 31. SB 308-Onder                 |
| 16. SB 437-Hoskins            |                                  |

HOUSE BILLS ON THIRD READING

- |  |  |
|--|--|
| 1. HB 485-Dogan, with SCS (Emery)<br>(In Fiscal Oversight) | 3. HB 584-Knight, with SCS (Wallingford) |
| 2. HCS for HB 160, with SCS (White)                        | 4. HB 599-Bondon, with SCS (Cunningham)  |
|  | 5. HB 1029-Bondon (Brown)                |

- |  |  |
|--|--|
| 6. HB 257-Stephens (Sater)                                     | 32. HB 600-Bondon (Cunningham)                                 |
| 7. HB 563-Wiemann (Wallingford)                                | 33. HB 943-McGill (Hoskins)                                    |
| 8. HCS for HB 266, with SCS (Hoskins)                          | 34. HB 372-Trent (Wallingford)                                 |
| 9. HCS for HB 959, with SCS (Cierpiot)                         | 35. HCS for HB 438 (Brown)                                     |
| 10. HCS for HB 333, with SCS (Crawford)                        | 36. HCS for HB 1127 (Riddle)                                   |
| 11. HB 461-Pfautsch (Brown)                                    | 37. HCS for HB 400 (White)                                     |
| 12. HCS for HB 824 (Hoskins)                                   | 38. HB 966-Gregory (Onder)                                     |
| 13. HB 587-Rone (Crawford)                                     | 39. HB 1062-Hansen, with SCS (Hoskins)                         |
| 14. HCS for HB 346 (Wallingford)                               | 40. HJR 54-Plocher (Walsh)                                     |
| 15. HB 1061-Patterson (Hoskins)                                | 41. HB 191 & HB 873-Kolkmeier, with SCS<br>(Hoskins)           |
| 16. HB 470-Grier, with SCS (O'Laughlin)                        | 42. HCS#2 for HB 626 (Brown)                                   |
| 17. HB 186-Trent, with SCS (Burlison)                          | 43. HCS for HB 207 (White)                                     |
| 18. HCS for HB 466, with SCS (Riddle)<br>(In Fiscal Oversight) | 44. HB 756-Pfautsch (Schupp)                                   |
| 19. HCS for HB 229, with SCS (Wallingford)                     | 45. HB 83-Hill (O'Laughlin)                                    |
| 20. HB 646-Rowland (Sater)                                     | 46. HB 758-Bondon, with SCS (Onder)                            |
| 21. HCS for HBs 161 & 401, with SCS<br>(Cunningham)            | 47. HCS for HJRs 48, 46 & 47 (Rowden)<br>(In Fiscal Oversight) |
| 22. HB 321-Solon (Luetkemeyer)                                 | 48. HCS for HB 937, with SCS (Wieland)                         |
| 23. HCS for HB 67, with SCS (Luetkemeyer)                      | 49. HCS for HB 703, with SCS (Luetkemeyer)                     |
| 24. HB 240-Schroer, with SCS (Luetkemeyer)                     | 50. HB 761-Pfautsch, with SCS (Cierpiot)                       |
| 25. HB 337-Swan (Wallingford)                                  | 51. HCS for HB 844 (Sater)                                     |
| 26. HB 267-Baker (Emery)                                       | 52. HB 637-Shawan, with SCS (Eigel)                            |
| 27. HB 757-Bondon (Wieland)                                    | 53. HB 1237-Fitzwater, with SCS (Bernskoetter)                 |
| 28. HB 942-Wiemann (Brown)                                     | 54. HCS for HB 700, with SCS (Cunningham)                      |
| 29. HB 815-Black (137) (Hough)                                 | 55. HCS for HBs 746 & 722 (Cunningham)                         |
| 30. HB 705-Helms, with SCS (Riddle)                            | 56. HCS for HB 842 (Bernskoetter)                              |
| 31. HCS for HB 301, with SCS (Burlison)                        | 57. HB 523-Roden, with SCS (Wieland)                           |

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

- |  |  |
|--|--|
| SB 4-Sater   | SB 19-Libla, with SA 1 (pending)                             |
| SB 5-Sater, et al, with SCS  | SB 31-Wieland  |
| SB 10-Cunningham, with SCS & SA 1<br>(pending)                         | SB 39-Onder  |
| SB 14-Wallingford  | SB 44-Hoskins, with SCS & SS#3 for SCS<br>(pending)          |
| SB 16-Romine, with SCS, SS for SCS, SA 3<br>& point of order (pending) | SBs 46 & 50-Koenig, with SCS, SS for SCS<br>& SA 6 (pending) |

SB 49-Rowden, with SCS  
SB 52-Eigel, with SCS  
SB 56-Cierpiot, with SCS, SS for SCS &  
SA 1 (pending)  
SB 57-Cierpiot  
SB 62-Burlison, with SCS  
SB 65-White, with SS (pending)  
SB 69-Hough  
SB 76-Sater, with SCS (pending)  
SB 78-Sater  
SB 97-Hegeman, with SCS  
SB 100-Riddle, with SS (pending)  
SB 118-Cierpiot, with SCS  
SB 132-Emery, with SCS  
SB 141-Koenig  
SB 150-Koenig, with SCS  
SBs 153 & 117-Sifton, with SCS  
SB 154-Luetkemeyer, with SS & SA 2  
(pending)  
SB 155-Luetkemeyer  
SB 160-Koenig, with SCS, SS for SCS &  
SA 2 (pending)  
SB 168-Wallingford, with SCS  
SB 201-Romine  
SB 205-Arthur, with SCS  
SB 211-Wallingford  
SB 222-Hough  
SB 225-Curls  
SB 234-White  
SB 252-Wieland, with SCS

SB 259-Romine, with SS & SA 3 (pending)  
SB 276-Rowden, with SCS  
SB 278-Wallingford, with SCS  
SBs 279, 139 & 345-Onder, with SCS, SS for  
SCS, SA 1 & SA 1 to SA 1 (pending)  
SB 292-Eigel, with SCS & SS#2 for SCS  
(pending)  
SB 293-Hough, with SCS  
SB 296-Cierpiot, with SCS  
SB 298-White, with SCS  
SB 300-Eigel  
SB 312-Eigel  
SB 316-Burlison  
SB 318-Burlison  
SB 328-Burlison, with SCS  
SB 332-Brown  
SB 336-Schupp  
SB 343-Eigel, with SCS  
SB 344-Eigel, with SCS  
SB 349-O'Laughlin, with SCS  
SB 350-O'Laughlin  
SB 354-Cierpiot, with SCS  
SB 412-Holsman  
SB 426-Williams  
SB 431-Schatz, with SCS  
SJR 1-Sater and Onder, with SS#2 & SA 1  
(pending)  
SJR 13-Holsman, with SCS, SS for SCS &  
SA 1 (pending)  
SJR 18-Cunningham

#### HOUSE BILLS ON THIRD READING

HB 113-Smith, with SCS, SS#2 for SCS &  
SA 1 (pending) (Emery)  
HCS for HB 169, with SCS (Romine)  
HB 188-Rehder (Luetkemeyer)  
HB 214-Trent (Hough)  
HCS for HB 225, with SCS, SS for SCS &  
SA 1 (pending) (Romine)

HCS for HB 255, with SS & SA 5 (pending)  
(Cierpiot)  
HB 332-Lynch, with SCS (Wallingford)  
SCS for HB 355-Plocher (Wallingford)  
(In Fiscal Oversight)  
HCS for HB 469 (Wallingford)  
SCS for HCS for HB 547 (Bernskoetter)

HCS for HB 564, with SCS (Koenig)  
 SS#2 for SCS for HCS for HB 604  
 (Hoskins) (In Fiscal Oversight)

HCS for HB 678, with SCS (Williams)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 89-Libla and Brown, with HA 1,  
 HA 2, HA 3 & HA 4  
 SCS for SB 184-Wallingford with HA 1,  
 HA 2, HA 3, HA 4, as amended & HA 5

SB 228-Sater, with HA 1  
 SB 282-Brown, with HCS, as amended  
 SCS for SB 330-Brown, with HA 1, HA 2,  
 HA 3, as amended & HA 4

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

SB 17-Romine, with HA 1, HA 2, HA 3,  
 HA 4 & HA 5  
 (Senate adopted CCR and passed CCS)  
 SB 36-Riddle, with HCS, as amended  
 (Senate adopted CCR and passed CCS)  
 SB 53-Crawford, with HCS, as amended  
 SB 54-Crawford, with HCS, as amended  
 (Senate adopted CCR and passed CCS)  
 SCS for SB 83-Cunningham, with HA 1 &  
 HA 2, as amended  
 (Senate adopted CCR and passed CCS)  
 SCS for SB 147-Sater, with HCS, as amended  
 (Senate grants further conference)  
 SB 182-Cierpiot, et al, with HCS, as amended  
 (Senate adopted CCR and passed CCS)

SB 202-Romine, with HCS, as amended  
 (Senate adopted CCR and passed CCS)  
 SB 204-Riddle, with HCS, as amended  
 SS for SCS for SB 230-Crawford, with HA 1,  
 HA 2, HA 3, as amended, HA 4, HA 5 & HA 6  
 (Senate adopted CCR and passed CCS)  
 SB 358-Sater, with HA 1, HA 2, HA 3, HA 4,  
 HA 5, HA 6, HA 7, HA 8, HA 9,  
 HA 10, as amended, HA 11, HA 12, HA 13,  
 HA 14, HA 15, HA 16, HA 17, HA 18,  
 HA 19, as amended, HA 20 & HA 21  
 HCS for HB 399, with SS for SCS, as amended  
 (Hoskins)  
 HCS#2 for HB 499, with SS (Schatz)

##### Requests to Recede or Grant Conference

SS for SCS for SB 28-Hegeman, with HCS,  
 as amended  
 (Senate requests House recede or grant  
 conference)

SCS for SB 131-Emery, with HCS, as amended  
 (Senate requests House recede & take up and  
 pass bill)

RESOLUTIONS

SR 20-Holsman

SR 731-Hoskins

Reported from Committee

SCR 8-Holsman

SCR 15-Burlison

SCR 19-Eigel

SCR 21-May

SCR 22-Holsman

SCR 23-Luetkemeyer

SCR 24-Hegeman and Luetkemeyer

SCR 26-Bernskoetter

HCR 6-Chipman (Brown)

HCS for HCR 16 (Hoskins)

HCR 18-Spencer (Eigel)

HCR 34-Riggs (Curls)

To be Referred

HCR 4-Love

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# Journal of the Senate

FIRST REGULAR SESSION

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SIXTY-NINTH DAY—FRIDAY, MAY 17, 2019

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“Yet, O Lord, you are Father; we are the clay, and you are our potter; we are all the work of your hand.” (Isaiah 64:8)

Creator God, You have created all that exists and have molded and formed us to be Your children. Help us this day to be renewed in mind, body and spirit so that we are ready to face the challenges that certainly will come during this closing day and provide us the strength and ability to do what is helpful. As the final gavel is struck may we know that with Your help we have done what was truly necessary and right this session. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Rowden announced photographers from St. Louis Public Radio, St. Louis Post Dispatch and Jefferson City News Tribune were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.



## RESOLUTIONS

Senator O’Laughlin offered Senate Resolution No. 968, regarding Shane M. Bilka, Arnold, which was adopted.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **HCS No. 2** for **HB 499**, and has taken up and passed **CCS** for **SS** for **HCS No. 2** for **HB 499**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 399**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 399**.

Emergency clause adopted.

## REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 21** and **SS** for **SB 391**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Fiscal Oversight, to which was referred **SS No. 2** for **SCS** for **HCS** for **HB 604**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Pro Tem Schatz assumed the Chair.

## SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SB 21** and **SS** for **SB 391**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

President Kehoe assumed the Chair.

Senator Cunningham requested unanimous consent of the Senate to return **SCS** for **HB 355** as it was inadvertently referred, which request was granted.

## HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

**HB 1006**—Government Reform.

**HCS for HB 656**—Local Government and Elections.

**SECOND READING OF CONCURRENT RESOLUTIONS**

**HCR 4**—Rules, Joint Rules, Resolutions and Ethics.

**BILLS DELIVERED TO THE GOVERNOR**

**SB 21** and **SS for SB 391**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

**PRIVILEGED MOTIONS**

Senator Sater, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SCS for SB 147**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 147

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147, with House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, House Amendment No. 1 to House Amendment No. 11, House Amendment No. 11 as amended, House Amendment No. 1 to House Amendment No. 12, House Amendment No. 12 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 147;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147 be Third Read and Finally Passed.

**FOR THE SENATE:**

/s/ David Sater  
/s/ Doug Libla  
/s/ Justin Brown  
/s/ Jason Holsman  
/s/ Brian Williams

**FOR THE HOUSE:**

/s/ Jered Taylor  
/s/ J. Eggleston  
/s/ Shane Roden  
Gretchen Bangert  
Wes Rogers

Senator Sater moved that the above conference committee report be adopted, which motion prevailed by the following vote:

**YEAS—Senators**

Bernskoetter      Brown      Burlison      Cierpiot      Crawford      Cunningham      Eigel

Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	O’Laughlin	Onder	Riddle	Romine	Rowden	Sater
Schatz	Wallingford	White	Wieland—25			

## NAYS—Senators

Arthur	Curls	May	Nasheed	Rizzo	Schupp	Sifton
Walsh	Williams—9					

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Sater, **CCS No. 2** for **HCS** for **SCS** for **SB 147**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 147

An Act to repeal sections 32.056, 136.055, 144.070, 300.155, 301.010, 301.020, 301.030, 301.032, 301.067, 301.191, 302.020, 302.170, 302.341, 302.720, 302.768, 304.153, 304.281, and 307.350, RSMo, and to enact in lieu thereof twenty new sections relating to motor vehicles, with penalty provisions and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Eigel
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	O’Laughlin	Onder	Riddle	Romine	Rowden	Sater
Schatz	Wallingford	White	Wieland—25			

## NAYS—Senators

Arthur	Curls	May	Nasheed	Rizzo	Schupp	Sifton
Walsh	Williams—9					

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**HOUSE BILLS ON THIRD READING**

Senator Hoskins moved that **SS No. 2** for **SCS** for **HCS** for **HB 604** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS No. 2** for **SCS** for **HCS** for **HB 604** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Hoskins, title to the bill was agreed to.

Senator Hoskins moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Wallingford moved that **SCS** for **HB 355** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SCS for HB 355** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Sater moved that the Senate request the House grant further conference on **SB 358**, as amended, which motion prevailed.

Senator Hoskins, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 399** moved that the following conference committee report be taken up, which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 399

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 399, with Senate Amendment No. 1, Senate Amendment No. 2, and Senate Amendment No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 399, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 399;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 399 be Third Read and Finally Passed.

## FOR THE HOUSE:

/s/ Chuck Basye  
 /s/ Dave Muntzel  
 /s/ Becky Ruth  
 /s/ Mark Ellebracht  
 /s/ Robert Sauls

## FOR THE SENATE:

/s/ Denny Hoskins  
 /s/ Bill Eigel  
 /s/ Bob Onder  
 /s/ Jill Schupp  
 /s/ Gina Walsh

Senator Hoskins moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

## NAYS—Senators—None

## Absent—Senators—None

## Absent with leave—Senators—None

## Vacancies—None

On motion of Senator Hoskins, **CCS** for **SS** for **SCS** for **HCS** for **HB 399**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
 SENATE SUBSTITUTE FOR  
 SENATE COMMITTEE SUBSTITUTE FOR  
 HOUSE COMMITTEE SUBSTITUTE FOR  
 HOUSE BILL NO. 399

An Act to repeal sections 192.007, 208.909, 208.918, 208.924, 208.930, 376.690, 376.1040, 376.1042, and 376.1224, RSMo, and to enact in lieu thereof seventeen new sections relating to healthcare, with an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

## NAYS—Senators—None

## Absent—Senators—None

## Absent with leave—Senators—None

## Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Sifton—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Hoskins, title to the bill was agreed to.

Senator Hoskins moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Schatz, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HCS No. 2** for **HB 499** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR  
HOUSE BILL NO. 499

The Conference Committee appointed on Senate Substitute for House Committee Substitute No. 2 for House Bill No. 499 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Committee Substitute No. 2 for House Bill No. 499;
2. That the House recede from its position on House Committee Substitute No. 2 for House Bill No. 499;
3. That the attached Conference Committee Substitute for Senate Substitute for House Committee Substitute No. 2 for House Bill No. 499 be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Aaron Griesheimer  
/s/ Jeff Knight  
/s/ Becky Ruth  
/s/ Maria Chappelle-Nadal  
/s/ Kevin Windham

FOR THE SENATE:

/s/ Dave Schatz  
/s/ Bill Eigel  
/s/ Doug Libla  
/s/ S. Kiki Curls  
/s/ Brian Williams

Senator Schatz moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

## NAYS—Senators

Burlison Eigel—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schatz, **CCS for SS for HCS No. 2 for HB 499**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR  
HOUSE BILL NO. 499

An Act to repeal sections 136.055, 301.010, 301.067, 302.574, 304.580, 304.585, 304.590, 304.894, and 479.500, RSMo, and to enact in lieu thereof twenty-five new sections relating to transportation, with penalty provisions.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

## NAYS—Senators

Burlison Eigel—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schatz, title to the bill was agreed to.

Senator Schatz moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.



Senator Libla moved that **SCS** for **SB 89**, with **HA 1**, **HA 2**, **HA 3** and **HA 4**, be taken up for 3rd reading and final passage, which motion prevailed.

**HA 1** was taken up.

Senator Libla moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

NAYS—Senator Eigel—1

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

**HA 2** was taken up.

Senator Libla moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

**HA 3** was taken up.

Senator Libla moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	Nasheed	O’Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

NAYS—Senator Eigel—1

Absent—Senator May—1

Absent with leave—Senators—None

Vacancies—None

**HA 4** was taken up.

Senator Libla moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	White	Wieland	Williams—32			

NAYS—Senator Eigel—1

Absent—Senator Walsh—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Libla, **SCS** for **SB 89**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Brown	Burlison	Cierpiot	Crawford	Cunningham	Curls
Emery	Hegeman	Holsman	Hough	Koenig	Libla	Luetkemeyer
May	Onder	Riddle	Rizzo	Romine	Rowden	Schatz
Schupp	Sifton	Wallingford	Walsh	White	Wieland	Williams—28

NAYS—Senators

Eigel	Hoskins	Nasheed	O’Laughlin—4
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Absent—Senators

Bernskoetter	Sater—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Libla, title to the bill was agreed to.

Senator Libla moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Hough assumed the Chair.

### HOUSE BILLS ON THIRD READING

Senator Emery moved that **HB 113**, with **SCS**, **SS No. 2** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 1** was again taken up.

At the request of Senator Emery, **SS No. 2** for **SCS** for **HB 113** was withdrawn, rendering **SA 1** moot.

Senator Emery offered **SS No. 3** for **SCS** for **HB 113**, entitled:

#### SENATE SUBSTITUTE NO. 3 FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 113

An Act to repeal sections 32.056, 190.092, 190.335, 195.140, 210.1014, 217.195, 221.111, 311.660, 311.710, 311.720, 313.004, 313.255, 337.068, 556.061, 558.019, 567.050, 572.010, 572.100, 610.021, and 650.035, RSMo, section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, section 211.071 as enacted by senate bill no. 793 merged with senate bill no. 800, ninety-ninth general assembly, second regular session, and section 211.071 as enacted by house bill no. 215 merged with senate bill no. 36, ninety-seventh general assembly, first regular session, and section 190.462 as truly agreed to and finally passed by senate substitute for senate committee substitute for senate bill no. 291, one hundredth general assembly, first regular session, and to enact in lieu thereof thirty-nine new sections relating to public safety, with penalty provisions and an emergency clause for certain sections.

Senator Emery moved that **SS No. 3** for **SCS** for **HB 113** be adopted.

Senator Schatz offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 3 for Senate Committee Substitute for House Bill No. 113, Pages 85-86, Section 572.010, Page 85, Lines 23-28, Page 86, Lines 1-3 of said page, by striking said lines and inserting in lieu thereof the following: “or equipment [that] **not approved by the Missouri gaming commission or state lottery commission under the provisions of chapter 313** that:

(a) **Contains a random number generator where prize payout percentages are controlled or adjustable;**

(b) **Is used in any scenario where cash prizes are involved or any prize is converted to cash or monetary credit of any kind related to the use of the gambling device; or**

(c) **Is used or usable in the playing phases of any gambling”; and**

Further amend said bill, page 88, section 572.100, lines 14-15 of said page, by striking “sections 313.800 to 313.840” and inserting in lieu thereof the following: “**chapter 313**”.

Senator Schatz moved that the above amendment be adopted, which motion prevailed.

Senator Holsman offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 3 for Senate Committee Substitute for House Bill No. 113, Page 9, Section 49.266, Line 40, by inserting after all of said line the following:

**“67.1100. 1. Every city, town, and village in this state is authorized to create a “Text-to-Donate” program within such city, town, or village. Each such city, town, or village that creates such a program shall create a fund within the city, town, or village treasury to receive funds that are specifically designated for the purpose of reducing the number of homeless persons, as defined in subdivision (5) of section 67.1062, in the city, town, or village which created the fund.**

**2. Any city, town, or village that creates a text-to-donate fund pursuant to subsection 1 of this section shall provide a telephone number by which a person may donate to the fund by sending a text message to the designated telephone number.**

**3. Any city, town, or village that has created a text-to-donate fund shall be entrusted with the administration, promotion, donations to, and distribution from the fund. Distributions from such fund shall only be to pay for services which are aimed at reducing the population of homeless persons in that city, town, or village.**

**4. The general assembly shall make a one-time appropriation to each city, town, or village in a sufficient amount to authorize each city, town, or village to provide initial signage promoting a newly created text-to-donate fund. The signage shall be placed in areas that have a high population of homeless persons. Any further expenditures by a city, town, or village to promote the program within such city, town, or village shall be paid out of the fund created by such city, town, or village.”; and**

Further amend the title and enacting clause accordingly.

Senator Holsman moved that the above amendment be adopted, which motion prevailed.

Senator Onder offered SA 3, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 3 for Senate Committee Substitute for House Bill No. 113, Page 12, Section 190.092, Line 24, by striking the word “biannually” and inserting in lieu thereof the following: **“annually”**.

Senator Onder moved that the above amendment be adopted, which motion prevailed.

Senator Emery offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 3 for Senate Committee Substitute for House Bill No. 113, Page 39, Section 217.850, Line 21, by striking the first occurrence of the word “over” and inserting in lieu thereof the following: **“of”**.

Senator Emery moved that the above amendment be adopted, which motion prevailed.

Senator Rowden offered SA 5:

## SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 3 for Senate Committee Substitute for House Bill No. 113, Page 58, Section 313.255, Line 27, by inserting after all of said line the following:

“321.320. 1. Except as otherwise provided in this section, if any property, located within the boundaries of a fire protection district, is included within a city having a population of forty thousand inhabitants or more, which city is not wholly within the fire protection district, and which city maintains a city fire department, the property is excluded from the fire protection district.

2. Notwithstanding any provision of law to the contrary, unless otherwise approved by a majority vote of the governing body of the municipality and a majority vote of the governing body of the fire protection district, or otherwise approved by a majority vote of the qualified voters in the municipality and a majority vote of the qualified voters in the fire protection district, a fire protection district serving an area included within any annexation by a municipality located in any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants, or an area included within any annexation by a municipality in a county having a charter form of government, approved by a vote after January 1, 2008, including simplified boundary changes, shall, following the annexation:

(1) Continue to provide fire protection services, including emergency medical services to such area;

(2) Levy and collect any tax upon all taxable property included within the annexed area authorized under chapter 321;

(3) Enforce any fire protection and fire prevention ordinances adopted and amended by the fire protection district in such area.

3. All costs associated with placing an annexation on the ballot within a municipality that involves an area that is served by a fire protection district shall be borne by the municipality.

4. The provisions of subsections 2 and 3 of this section shall not apply to:

(1) Any city of the third classification with more than four thousand five hundred but fewer than five thousand inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants;

(2) Any city of the fourth classification with more than three thousand but fewer than three thousand seven hundred inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants; and

(3) Any city of the third classification with more than eleven thousand five hundred but fewer than thirteen thousand inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants.

5. Notwithstanding any other provision of law to the contrary, the residents of an area included within any annexation by a municipality located in any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants, or an area included within any annexation by a municipality in a county having a charter form of government, approved by a vote after January 1, 2008, may vote in all fire protection district elections and may be elected to the fire protection district board of directors.

**6. With regard to any newly annexed territory contained within a fire district boundary, a municipality has no obligation to respond to calls for service within such area.”; and**

Further amend the title and enacting clause accordingly.

Senator Rowden moved that the above amendment be adopted, which motion prevailed.

Senator Emery moved that **SS No. 3 for SCS for HB 113**, as amended, be adopted, which motion prevailed.

Senator Emery moved that **SS No. 3 for SCS for HB 113**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Schatz referred **SS No. 3 for SCS for HB 113** to the Committee on Fiscal Oversight.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 203**, entitled:

An Act to repeal sections 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, 82.1031, 88.770, and 393.320, RSMo, and to enact in lieu thereof seven new sections relating to property regulations in certain cities and counties.

With House Amendment No. 1.

### **HOUSE AMENDMENT NO. 1**

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 203, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

**“82.462. 1. Except as provided in subsection 3 of this section, a person who is not the owner of real property or who is a creditor holding a lien interest on the property, and who suspects that the real property may be abandoned may enter upon the premises of the real property, without having a right to a mechanics lien pursuant to section 429.010, to do the following:**

**(1) Without entering any structure located on the real property, visually inspect the real property to determine whether the real property may be abandoned;**

**(2) Upon a good faith determination based upon the inspection that the property is abandoned, perform any of the following actions:**

**(a) Secure the real property;**

**(b) Remove trash or debris from the grounds of the real property;**

**(c) Landscape, maintain, or mow the grounds of the real property;**

**(d) Remove or paint over graffiti on the real property.**

**2. A person who enters upon the premises and conducts the actions permitted in subsection 1 of this section and who makes a good faith determination based upon the inspection that the property is abandoned shall be:**

**(1) Immune from claims of civil and criminal trespass and all other civil liability therefor, unless the act or omission constitutes gross negligence or willful, wanton, or intentional misconduct.**

**(2) Barred from bringing a civil action against the property owner seeking damages as a result of physical injury, unless the property owner's act or omission constitutes gross negligence or willful, wanton, or intentional misconduct.**

**3. In the case of real property that is subject to a mortgage or deed of trust, the creditor holding the debt secured by the mortgage or deed of trust may not enter upon the premises of the real property under subsection 1 of this section if entry is barred by an automatic stay issued by a bankruptcy court.**

**4. As used in this section, "abandoned property" shall mean:**

**(1) A vacant, unimproved lot zoned residential or commercial for which the owner is in violation of a county or municipal nuisance or property maintenance ordinance; or**

**(2) With respect to actions taken pursuant to this section by a creditor holding a lien interest in the property, a property which contains a structure or building which has been continuously unoccupied by persons legally entitled to possession for at least six months prior to entry under this section and the creditor's debt secured by such lien interest has been continuously delinquent for not less than three months; or**

**(3) With respect to actions taken pursuant to this section by persons other than creditors, a property which contains a structure or building which has been continuously unoccupied by persons legally entitled to possession for at least six months prior to entry under this section, and for which the owner is in violation of a county or municipal nuisance or property maintenance ordinance, and for which either:**

**(a) Ad valorem property taxes are delinquent; or**

**(b) The property owner has failed to comply with any county or municipal ordinance requiring registration of vacant property, or the county or municipality has determined the structure to be uninhabitable due to deteriorated conditions;**

**5. This section shall apply only to real property located in any home rule city with more than four hundred thousand inhabitants and located in more than one county, in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, in any home rule city with more than one hundred sixteen thousand but fewer than one hundred fifty-five thousand inhabitants, and in any city not within a county."; and**

Further amend said bill, Page 1, Section 82.1025, Lines 1 to 11, by removing all of said lines from the bill and inserting in lieu thereof the following:

**"82.1025. 1. [This Section applies] Sections 82.1025, 82.1027 and 82.1030 apply to a nuisance located within the boundaries of [any county of the first classification with a charter form of government and a population greater than nine hundred thousand, in any county of the first classification with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants, in any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants, in any county of the first classification with more than**

ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, in any home rule city with more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants, in] any city not within a county [and] **or** in any **home rule** city with at least three hundred fifty thousand inhabitants which is located in more than one county.”; and

Further amend said bill and section, Page 4, Line 91, by inserting after all of said line the following:

**“9. Property owners bringing a lawsuit based on the prima facie case standard under subsections 5 and 7 of this section, or seeking attorney fees and expenses under subsection 8 of this section, shall be limited to lawsuits involving property ownership in any home rule city with more than three hundred fifty thousand inhabitants and located in more than one county or any city not within a county and shall otherwise be limited to the general standards for nuisance applying to other political subdivisions under section 1 of this section.”; and**

Further amend said bill, Pages 8 - 10, Section 393.320, Lines 1 - 73, by removing all of said section and lines from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 333**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representative to inform the Senate that the House has taken up and passed **SCS** for **SBs 12** and **123**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 180**.

Bill ordered enrolled.

On motion of Senator Rowden, the Senate recessed until 1:45 p.m.

## **RECESS**

The time of recess having expired, the Senate was called to order by President Kehoe.

## **REPORTS OF STANDING COMMITTEES**

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Fiscal Oversight, to which was referred **SS No. 3** for **SCS** for **HB 113**, begs leave to report that it has considered the same and recommends that the bill do pass.



**HOUSE BILLS ON THIRD READING**

Senator Emery moved that **SS No. 3** for **SCS** for **HB 113**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS No. 3** for **SCS** for **HB 113**, as amended, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senator Libla—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senator Libla—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Emery, title to the bill was agreed to.

Senator Emery moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 169**, with **SCS**, entitled:

An Act to amend chapters 161 and 170, RSMo, by adding thereto two new sections relating to elementary and secondary education.

Was taken up by Senator Romine.

**SCS** for **HCS** for **HB 169**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 169

An Act to amend chapters 161 and 170, RSMo, by adding thereto two new sections relating to elementary and secondary education.

Was taken up.

Senator Romine moved that **SCS** for **HCS** for **HB 169** be adopted.

Senator Romine offered **SS** for **SCS** for **HCS** for **HB 169**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 169

An Act to repeal sections 160.545, 162.068, 162.203, 162.974, 163.018, 163.031, 167.125, 167.128, 167.171, 167.268, 167.645, 168.133, 168.221, 171.033, 177.086, 178.530, and 210.110, RSMo, and to enact in lieu thereof thirty-three new sections relating to elementary and secondary education, with an emergency clause for a certain section and an effective date for certain sections.

Senator Romine moved that **SS** for **SCS** for **HCS** for **HB 169** be adopted.

Senator Sifton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 169, Page 1, Section A, Line 11 of said page, by inserting immediately after said line the following:

“160.410. 1. A charter school shall enroll:

- (1) All pupils resident in the district in which it operates;
- (2) Nonresident pupils eligible to attend a district’s school under an urban voluntary transfer program;
- (3) Nonresident pupils who transfer from an unaccredited district under section [167.131] **167.895**, provided that the charter school is an approved charter school, as defined in section [167.131] **167.895**, and subject to all other provisions of section [167.131] **167.895**;
- (4) In the case of a charter school whose mission includes student drop-out prevention or recovery, any nonresident pupil from the same or an adjacent county who resides in a residential care facility, a transitional living group home, or an independent living program whose last school of enrollment is in the school district where the charter school is established, who submits a timely application; and
- (5) In the case of a workplace charter school, any student eligible to attend under subdivision (1) or (2) of this subsection whose parent is employed in the business district, who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. The configuration of a business district shall be set forth in the charter and shall not be construed to create an

undue advantage for a single employer or small number of employers.

2. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission and does not discriminate based on parents' ability to pay fees or tuition except that:

(1) A charter school may establish a geographical area around the school whose residents will receive a preference for enrolling in the school, provided that such preferences do not result in the establishment of racially or socioeconomically isolated schools and provided such preferences conform to policies and guidelines established by the state board of education;

(2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school or in the case of a workplace charter school, a child whose parent is employed in the business district or at the business site of such school; [and]

(3) Charter schools may also give a preference for admission to high-risk students, as defined in subdivision (5) of subsection 2 of section 160.405, when the school targets these students through its proposed mission, curriculum, teaching methods, and services; **and**

**(4) A charter school may also give preference for admission to students who will be eligible for the free and reduced price lunch program in the upcoming school year.**

3. A charter school shall not limit admission based on race, ethnicity, national origin, disability, income level, **except as allowed under subdivision (4) of subsection 2 of this section**, proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level. Charter schools may limit admission based on gender only when the school is a single-gender school. Students of a charter school who have been enrolled for a full academic year shall be counted in the performance of the charter school on the statewide assessments in that calendar year, unless otherwise exempted as English language learners. For purposes of this subsection, "full academic year" means the last Wednesday in September through the administration of the Missouri assessment program test without transferring out of the school and re-enrolling.

4. A charter school shall make available for public inspection, and provide upon request, to the parent, guardian, or other custodian of any school-age pupil resident in the district in which the school is located the following information:

(1) The school's charter;

(2) The school's most recent annual report card published according to section 160.522;

(3) The results of background checks on the charter school's board members; and

(4) If a charter school is operated by a management company, a copy of the written contract between the governing board of the charter school and the educational management organization or the charter management organization for services. The charter school may charge reasonable fees, not to exceed the rate specified in section 610.026 for furnishing copies of documents under this subsection.

5. When a student attending a charter school who is a resident of the school district in which the charter school is located moves out of the boundaries of such school district, the student may complete the current semester and shall be considered a resident student. The student's parent or legal guardian shall be responsible for the student's transportation to and from the charter school.

6. If a change in school district boundary lines occurs under section 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education under section 162.081, including attachment of a school district's territory to another district or dissolution, such that a student attending a charter school prior to such change no longer resides in a school district in which the charter school is located, then the student may complete the current academic year at the charter school. The student shall be considered a resident student. The student's parent or legal guardian shall be responsible for the student's transportation to and from the charter school.

7. The provisions of sections 167.018 and 167.019 concerning foster children's educational rights are applicable to charter schools.

160.415. 1. For the purposes of calculation and distribution of state school aid under section 163.031, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district within which each pupil resides. Each charter school shall report the names, addresses, and eligibility for free and reduced price lunch, special education, or limited English proficiency status, as well as eligibility for categorical aid, of pupils resident in a school district who are enrolled in the charter school to the school district in which those pupils reside. The charter school shall report the average daily attendance data, free and reduced price lunch count, special education pupil count, and limited English proficiency pupil count to the state department of elementary and secondary education. Each charter school shall promptly notify the state department of elementary and secondary education and the pupil's school district when a student discontinues enrollment at a charter school.

2. Except as provided in subsections 3 and 4 of this section, the aid payments for charter schools shall be as described in this subsection.

(1) A school district having one or more resident pupils attending a charter school shall pay to the charter school an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers' funds in excess of the performance levy as defined in section 163.011 plus all other state aid attributable to such pupils.

(2) The district of residence of a pupil attending a charter school shall also pay to the charter school any other federal or state aid that the district receives on account of such child.

(3) If the department overpays or underpays the amount due to the charter school, such overpayment or underpayment shall be repaid by the public charter school or credited to the public charter school in twelve equal payments in the next fiscal year.

(4) The amounts provided pursuant to this subsection shall be prorated for partial year enrollment for a pupil.

(5) A school district shall pay the amounts due pursuant to this subsection as the disbursal agent and no later than twenty days following the receipt of any such funds. The department of elementary and secondary education shall pay the amounts due when it acts as the disbursal agent within five days of the required due date.

3. A workplace charter school shall receive payment for each eligible pupil as provided under subsection 2 of this section, except that if the student is not a resident of the district and is participating in a voluntary interdistrict transfer program, the payment for such pupils shall be the same as provided under section 162.1060.

4. A charter school that has declared itself as a local educational agency shall receive from the department of elementary and secondary education an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers funds in excess of the performance levy as defined in section 163.011 plus all other state aid attributable to such pupils. If a charter school declares itself as a local educational agency, the department of elementary and secondary education shall, upon notice of the declaration, reduce the payment made to the school district by the amount specified in this subsection and pay directly to the charter school the annual amount reduced from the school district's payment.

5. If a school district fails to make timely payments of any amount for which it is the disbursal agent, the state department of elementary and secondary education shall authorize payment to the charter school of the amount due pursuant to subsection 2 of this section and shall deduct the same amount from the next state school aid apportionment to the owing school district. If a charter school is paid more or less than the amounts due pursuant to this section, the amount of overpayment or underpayment shall be adjusted equally in the next twelve payments by the school district or the department of elementary and secondary education, as appropriate. Any dispute between the school district and a charter school as to the amount owing to the charter school shall be resolved by the department of elementary and secondary education, and the department's decision shall be the final administrative action for the purposes of review pursuant to chapter 536. During the period of dispute, the department of elementary and secondary education shall make every administrative and statutory effort to allow the continued education of children in their current public charter school setting.

6. The charter school and a local school board may agree by contract for services to be provided by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

7. In the case of a proposed charter school that intends to contract with an education service provider for substantial educational services or management services, the request for proposals shall additionally require the charter school applicant to:

(1) Provide evidence of the education service provider's success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions, if applicable;

(2) Provide a term sheet setting forth the proposed duration of the service contract; roles and responsibilities of the governing board, the school staff, and the service provider; scope of services and resources to be provided by the service provider; performance evaluation measures and time lines; compensation structure, including clear identification of all fees to be paid to the service provider; methods of contract oversight and enforcement; investment disclosure; and conditions for renewal and termination of the contract;

(3) Disclose any known conflicts of interest between the school governing board and proposed service provider or any affiliated business entities;

(4) Disclose and explain any termination or nonrenewal of contracts for equivalent services for any other

charter school in the United States within the past five years;

(5) Ensure that the legal counsel for the charter school shall report directly to the charter school's governing board; and

(6) Provide a process to ensure that the expenditures that the education service provider intends to bill to the charter school shall receive prior approval of the governing board or its designee.

8. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

9. A charter school shall be eligible for transportation state aid pursuant to section 163.161 and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

10. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school shall provide the special services provided pursuant to section 162.705 and may provide the special services pursuant to a contract with a school district or any provider of such services.

11. A charter school may not charge tuition or impose fees that a school district is prohibited from charging or imposing, except that a charter school may receive tuition payments from districts in the same or an adjoining county for nonresident students who transfer to an approved charter school, as defined in section [167.131] **167.895**, from an unaccredited district.

12. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Except as otherwise specifically provided in sections 160.400 to 160.425, upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355. A charter school shall satisfy all its financial obligations within twelve months of notice from the sponsor of the charter school's closure under subsection 8 of section 160.405. After satisfaction of all its financial obligations, a charter school shall return any remaining state and federal funds to the department of elementary and secondary education for disposition as stated in subdivision (17) of subsection 1 of section 160.405. The department of elementary and secondary education may withhold funding at a level the department determines to be adequate during a school's last year of operation until the department determines that school records, liabilities, and reporting requirements, including a full audit, are satisfied.

13. Charter schools shall not have the power to acquire property by eminent domain.

14. The governing body of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter.”; and

Further amend said bill, page 24, section 162.068, line 22 of said page, by inserting immediately after said line the following:

“162.081. 1. Whenever any school district in this state fails or refuses in any school year to provide for the minimum school term required by section 163.021 or is classified unaccredited, the state board of education shall, upon a district’s initial classification or reclassification as unaccredited:

(1) Review the governance of the district to establish the conditions under which the existing school board shall continue to govern; or

(2) Determine the date the district shall lapse and determine an alternative governing structure for the district.

2. If at the time any school district in this state shall be classified as unaccredited, the department of elementary and secondary education shall conduct at least two public hearings at a location in the unaccredited school district regarding the accreditation status of the school district. The hearings shall provide an opportunity to convene community resources that may be useful or necessary in supporting the school district as it attempts to return to accredited status, continues under revised governance, or plans for continuity of educational services and resources upon its attachment to a neighboring district. The department may request the attendance of stakeholders and district officials to review the district’s plan to return to accredited status, if any; offer technical assistance; and facilitate and coordinate community resources. Such hearings shall be conducted at least twice annually for every year in which the district remains unaccredited or provisionally accredited.

3. Upon classification of a district as unaccredited, the state board of education may:

(1) Allow continued governance by the existing school district board of education under terms and conditions established by the state board of education; or

(2) Lapse the corporate organization of **all or part of** the unaccredited district and:

(a) Appoint a special administrative board for the operation of all or part of the district. **If a special administrative board is appointed for the operation of a part of a school district, the state board of education shall determine an equitable apportionment of state and federal aid for the part of the district and the school district shall provide local revenue in proportion to the weighted average daily attendance of the part.** The number of members of the special administrative board shall not be less than five, the majority of whom shall be residents of the district. The members of the special administrative board shall reflect the population characteristics of the district and shall collectively possess strong experience in school governance, management and finance, and leadership. **The state board of education may appoint members of the district’s elected school board to the special administrative board, but members of the elected school board shall not comprise more than forty-nine percent of the special administrative board’s membership.** Within fourteen days after the appointment by the state board of education, the special administrative board shall organize by the election of a president, vice president, secretary and a treasurer, with their duties and organization as enumerated in section 162.301. The special administrative board shall appoint a superintendent of schools to serve as the chief executive officer of the school district, **or a subset of schools**, and to have all powers and duties of any other general superintendent of schools in a seven-director school district. Any special administrative board appointed under this section shall be responsible for the operation of the district **or part of the district** until such time that the district is classified by the state board of education as provisionally accredited for at least two successive academic years, after which time the state board of education may provide for a transition pursuant to section 162.083; or

(b) Determine an alternative governing structure for the district including, at a minimum:

a. A rationale for the decision to use an alternative form of governance and in the absence of the district's achievement of full accreditation, the state board of education shall review and recertify the alternative form of governance every three years;

b. A method for the residents of the district to provide public comment after a stated period of time or upon achievement of specified academic objectives;

c. Expectations for progress on academic achievement, which shall include an anticipated time line for the district to reach full accreditation; and

d. Annual reports to the general assembly and the governor on the progress towards accreditation of any district that has been declared unaccredited and is placed under an alternative form of governance, including a review of the effectiveness of the alternative governance; or

(c) Attach the territory of the lapsed district to another district or districts for school purposes; or

(d) Establish one or more school districts within the territory of the lapsed district, with a governance structure specified by the state board of education, with the option of permitting a district to remain intact for the purposes of assessing, collecting, and distributing property taxes, to be distributed equitably on a weighted average daily attendance basis, but to be divided for operational purposes, which shall take effect sixty days after the adjournment of the regular session of the general assembly next following the state board's decision unless a statute or concurrent resolution is enacted to nullify the state board's decision prior to such effective date.

4. If a district remains under continued governance by the school board under subdivision (1) of subsection 3 of this section and either has been unaccredited for three consecutive school years and failed to attain accredited status after the third school year or has been unaccredited for two consecutive school years and the state board of education determines its academic progress is not consistent with attaining accredited status after the third school year, then the state board of education shall proceed under subdivision (2) of subsection 3 of this section in the following school year.

5. A special administrative board **or any other form of governance** appointed under this section shall retain the authority granted to a board of education for the operation of the lapsed school district under the laws of the state in effect at the time of the lapse and may enter into contracts with accredited school districts or other education service providers in order to deliver high-quality educational programs to the residents of the district. If a student graduates while attending a school building in the district that is operated under a contract with an accredited school district as specified under this subsection, the student shall receive his or her diploma from the accredited school district. The authority of the special administrative board **or any other form of governance appointed under this section** shall expire at the end of the third full school year following its appointment, unless extended by the state board of education. If the lapsed district is reassigned, the [special administrative board] **governing board prior to lapse** shall provide an accounting of all funds, assets and liabilities of the lapsed district and transfer such funds, assets, and liabilities of the lapsed district as determined by the state board of education. Neither the special administrative board **nor any other form of governance appointed under this section** nor its members or employees shall be deemed to be the state or a state agency for any purpose, including section 105.711, et seq. The state of Missouri, its agencies and employees shall be absolutely immune from liability for any and all acts or omissions relating to or in any way involving the lapsed district, [the] a special administrative



board, [its] **any other form of governance appointed under this section, or the members or employees of the lapsed district, a special administrative board, or any other form of governance appointed under this section.** Such immunities, and immunity doctrines as exist or may hereafter exist benefitting boards of education, their members and their employees shall be available to the special administrative board[, its] **or any other form of governance appointed under this section and the members and employees of the special administrative board or any other form of governance appointed under this section** members and employees.

6. Neither the special administrative board **nor any other form of governance appointed under this section** nor any district or other entity assigned territory, assets or funds from a lapsed district shall be considered a successor entity for the purpose of employment contracts, unemployment compensation payment pursuant to section 288.110, or any other purpose.

7. If additional teachers are needed by a district as a result of increased enrollment due to the annexation of territory of a lapsed or dissolved district, such district shall grant an employment interview to any permanent teacher of the lapsed or dissolved district upon the request of such permanent teacher.

8. In the event that a school district with an enrollment in excess of five thousand pupils lapses, no school district shall have all or any part of such lapsed school district attached without the approval of the board of the receiving school district.

**9. If the state board of education reasonably believes that a school district is unlikely to provide for the minimum school term required by section 163.021 because of financial difficulty, the state board of education may, prior to the start of the school term:**

**(1) Allow continued governance by the existing district school board under terms and conditions established by the state board of education; or**

**(2) Lapse the corporate organization of the district and implement one of the options available under subdivision (2) of subsection 3 of this section.**

**10. The provisions of subsection 9 of this section shall not apply to any district solely on the basis of financial difficulty resulting from paying tuition and providing transportation for transfer students under sections 167.895 and 167.898.”; and**

Further amend said bill, Page 26, section 162.974, line 17 of said page, by inserting immediately after said line the following:

**“162.1323. 1. For purposes of this section, “attendance center” means a public school building, public school buildings, or part of a public school building that offers education in a grade or grades not higher than the twelfth grade and that constitutes one unit for accountability and reporting purposes for the department of elementary and secondary education.**

**2. (1) If an attendance center receives two or more consecutive annual performance report scores consistent with a classification of unaccredited, the district in which the attendance center is located shall notify the parent or guardian of any student enrolled in the attendance center of the annual performance report scores within fourteen business days.**

**(2) If the state board of education classifies any district as unaccredited, the district shall notify the parent or guardian of any student enrolled in the unaccredited district of the loss of accreditation within fourteen business days.**

**3. The district’s notice shall include an explanation of which students may be eligible to transfer, the transfer process under sections 167.895 and 167.898, and any services students may be entitled to receive. The district’s notice shall be written in a clear, concise, and easy-to-understand manner.**

**4. (1) If the notice concerns an attendance center’s annual performance report scores, the district shall post the notice in a conspicuous and accessible place in the attendance center.**

**(2) If the notice concerns a district’s loss of accreditation, the district shall post the notice in a conspicuous and accessible place in each district attendance center.**

**5. The district shall send any notice described under this section to each municipality located within the boundaries of the district.”; and**

Further amend said bill, page 38, section 167.128, line 6 of said page, by inserting immediately after said line the following:

“167.131. 1. The board of education of each district in this state that does not maintain [an accredited] **a high school** [pursuant to the authority of the state board of education to classify schools as established in section 161.092] **offering work through the twelfth grade** shall pay [the] tuition [of] **as calculated by the receiving district under subsection 2 of this section** and provide transportation consistent with the provisions of section 167.241 for each pupil resident therein **who has completed the work of the highest grade offered in the schools of the district and** who attends an accredited **public high** school in another district of the same or an adjoining county [or who attends an approved charter school in the same or an adjoining county].

2. The rate of tuition to be charged by the district attended and paid by the sending district is the per pupil cost of maintaining the district’s grade level grouping which includes the school attended. [The rate of tuition to be charged by the approved charter school attended and paid by the sending district is the per pupil cost of maintaining the approved charter school’s grade level grouping. For a district,] The cost of maintaining a grade level grouping shall be determined by the board of education of the district but in no case shall it exceed all amounts spent for teachers’ wages, incidental purposes, debt service, maintenance and replacements. [For an approved charter school, the cost of maintaining a grade level grouping shall be determined by the approved charter school but in no case shall it exceed all amounts spent by the district in which the approved charter school is located for teachers’ wages, incidental purposes, debt service, maintenance, and replacements.] The term “debt service”, as used in this section, means expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded indebtedness. Per pupil cost of the grade level grouping shall be determined by dividing the cost of maintaining the grade level grouping by the average daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board of education, and its decision in the matter shall be final. Subject to the limitations of this section, each pupil shall be free to attend the public school of his or her choice.

[3. For purposes of this section, “approved charter school” means a charter school that has existed for less than three years or a charter school with a three-year average score of seventy percent or higher on its annual performance report.]

**167.132. 1. For purposes of this section, the following terms mean:**

**(1) “Receiving approved charter school”, an approved charter school, as defined under section 167.895, receiving transfer students under section 167.895;**

**(2) “Receiving district”, a school district receiving transfer students under section 167.895;**

**(3) “Sending district”, a school district from which students are transferring to a receiving district or approved charter school, as allowed under section 167.895;**

**(4) “State adequacy target”, the same meaning given to the term under section 163.011.**

**2. Notwithstanding any other provision of law, the tuition rate paid by a sending district to the receiving district or the receiving approved charter school for transfer students shall be the lesser of:**

**(1) The tuition rate set by the receiving district or the receiving approved charter school under the policy adopted in accordance with section 167.895; or**

**(2) The state adequacy target plus the average sum produced per child by the local tax effort above the state adequacy target of the sending district.**

167.151. 1. The school board of any district, in its discretion, may admit to the school pupils not entitled to free instruction and prescribe the tuition fee to be paid by them, except as provided in sections 167.121 [and], 167.131, **167.132, and 167.895.**

2. Orphan children, children with only one parent living, and children whose parents do not contribute to their support—if the children are between the ages of six and twenty years and are unable to pay tuition—may attend the schools of any district in the state in which they have a permanent or temporary home without paying a tuition fee.

3. Any person who pays a school tax in any other district than that in which he resides may send his children to any public school in the district in which the tax is paid and receive as a credit on the amount charged for tuition the amount of the school tax paid to the district; except that any person who owns real estate of which eighty acres or more are used for agricultural purposes and upon which his residence is situated may send his children to public school in any school district in which a part of such real estate, contiguous to that upon which his residence is situated, lies and shall not be charged tuition therefor; so long as thirty-five percent of the real estate is located in the school district of choice. The school district of choice shall count the children in its average daily attendance for the purpose of distribution of state aid through the foundation formula.

4. Any owner of agricultural land who, pursuant to subsection 3 of this section, has the option of sending his children to the public schools of more than one district shall exercise such option as provided in this subsection. Such person shall send written notice to all school districts involved specifying to which school district his children will attend by June thirtieth in which such a school year begins. If notification is not received, such children shall attend the school in which the majority of his property lies. Such person shall not send any of his children to the public schools of any district other than the one to which he has sent notice pursuant to this subsection in that school year or in which the majority of his property lies without paying tuition to such school district.

5. If a pupil is attending school in a district other than the district of residence and the pupil’s parent is teaching in the school district or is a regular employee of the school district which the pupil is attending, then the district in which the pupil attends school shall allow the pupil to attend school upon payment of tuition in the same manner in which the district allows other pupils not entitled to free instruction to attend school in the district. The provisions of this subsection shall apply only to pupils attending school in a district which has an enrollment in excess of thirteen thousand pupils and not in excess of fifteen thousand

pupils and which district is located in a county of the first classification with a charter form of government which has a population in excess of six hundred thousand persons and not in excess of nine hundred thousand persons.”; and

Further amend said bill, page 42, section 167.171, line 24 of said page, by inserting immediately after said line the following:

“167.241. **1. Except as otherwise provided under this section**, transportation for pupils whose tuition the district of residence is required to pay by section 167.131 or who are assigned as provided in section 167.121 shall be provided by the district of residence[; however,].

**2.** In the case of pupils covered by section 167.131, the district of residence shall be required to provide transportation only to [approved charter schools as defined in section 167.131,] school districts accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in section 161.092, and those school districts designated by the board of education of the district of residence.

**3. (1) For purposes of this subsection, “approved charter school” has the same meaning given to the term under section 167.895.**

**(2) For pupils covered by section 167.895, the district of residence shall be required to provide transportation only to school districts or approved charter schools designated by the department of elementary and secondary education or its designee. For pupils covered by section 167.895, the department of elementary and secondary education or its designee shall designate at least one accredited district or approved charter school to which the district of residence shall provide transportation. If the designated district or charter school reaches full student capacity and is unable to receive additional students, the department of elementary and secondary education or its designee shall designate at least one additional accredited district or approved charter school to which the district of residence shall provide transportation.”; and**

Further amend said bill, page 52, section 167.645, Line 20 of said page, by inserting after all of said line the following:

**“167.890. 1. The department of elementary and secondary education shall compile and maintain student performance data scores of all students enrolled in districts other than their resident districts as provided under section 167.895 and make such data available on the Missouri comprehensive data system. No personally identifiable data shall be accessible on the database.**

**2. The department of elementary and secondary education may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.**

**167.895. 1. For purposes of this section and section 167.898, the following terms mean:**

(1) “Approved charter school”, a charter school that has existed for less than three years or a charter school with a three-year average score consistent with a classification of accredited without provisions on its annual performance report;

(2) “Attendance center”, a public school building, public school buildings, or part of a public school building that offers education in a grade or grades not higher than the twelfth grade and that constitutes one unit for accountability and reporting purposes for the department of elementary and secondary education;

(3) “Available receiving district”, a school district able to receive transfer students under this section;

(4) “Receiving district”, a school district receiving transfer students under this section;

(5) “Sending district”, a school district from which students are transferring to a receiving district or approved charter school, as allowed under this section.

2. (1) Any student may transfer to another public school in the student’s district of residence if such student is enrolled in and has attended, for the full semester immediately prior to requesting the transfer, an attendance center:

(a) That is located within an unaccredited district; and

(b) That has an annual performance report score consistent with a classification of unaccredited.

However, no such transfer shall result in a class size and assigned enrollment in a receiving school that exceeds the standards for class size and assigned enrollment as promulgated in the Missouri school improvement program’s resource standards. If the student chooses to attend a magnet school, an academically selective school, or a school with a competitive entrance process within his or her district of residence that has admissions requirements, the student shall meet the admissions requirements in order to attend.

(2) The school board of each unaccredited district shall determine the capacity at each of the district’s attendance centers that has an annual performance report score consistent with a classification of accredited. The district’s school board shall be responsible for coordinating transfers within the district as allowed under this subsection.

(3) The school board of each unaccredited district shall annually report to the department of elementary and secondary education or its designee the number of available slots in attendance centers within the district that have annual performance report scores consistent with a classification of accredited, the number of students who request to transfer within the district, and the number of such transfer requests that are granted.

3. (1) Any student who is eligible to transfer within his or her district under subsection 2 of this section but who is unable to do so due to a lack of capacity in the attendance centers in his or her district of residence may apply to the department of elementary and secondary education or its designee to transfer to:

(a) An attendance center:

a. That is located within an accredited district that is located in the same or an adjoining county; and

**b. That has an annual performance report score consistent with a classification of accredited; or**

**(b) An approved charter school located in another district in the same or an adjoining county.**

**(2) A student who is eligible to begin kindergarten or first grade at an attendance center:**

**(a) That is located within an unaccredited district;**

**(b) That has an annual performance report score consistent with a classification of unaccredited; and**

**(c) That offers classes above the second grade level**

may apply to the department of elementary and secondary education or its designee for a transfer to a school described under paragraph (a) or (b) of subdivision (1) of this subsection if he or she resides in the attendance area of the attendance center described under this subdivision on March first preceding the school year of first attendance. A student who does not apply by March first for enrollment in any school year after the 2019-20 school year shall be required to enroll and attend the attendance center described under this subdivision for one semester to become eligible.

**(3) If a student who is eligible to transfer under this subsection chooses to apply to attend a magnet school, an academically selective school, or a school with a competitive entrance process that has admissions requirements, the student shall furnish proof that he or she meets the admissions requirements.**

**(4) Any student who does not maintain residency in the attendance area of his or her attendance center in the district of residence shall lose eligibility to transfer.**

**(5) Except as provided under subsection 7 of this section, any student who transfers but later withdraws shall lose eligibility to transfer.**

**(6) The transfer provisions of this subsection shall not apply to a district created under sections 162.815 to 162.840 or to any early childhood programs or early childhood special education programs.**

**4. (1) No student enrolled in and attending an attendance center that does not offer classes above the second grade level shall be eligible to transfer under this section.**

**(2) No student who is eligible to begin kindergarten or first grade at an attendance center that does not offer classes above the second grade level shall be eligible to transfer under this section.**

**5. (1) (a) No provisionally accredited district shall be eligible to receive transfer students.**

**(b) Except as provided under paragraph (c) of this subdivision, no attendance center that has an annual performance report score consistent with a classification of provisionally accredited shall be eligible to receive transfer students.**

**(c) A transfer student who chooses to attend an attendance center that has an annual performance report score consistent with a classification of provisionally accredited and that is located within his or her unaccredited district of residence shall be allowed to transfer to such attendance center if there is an available slot.**

**(2) (a) No unaccredited district shall be eligible to receive transfer students.**

**(b) No attendance center that has an annual performance report score consistent with a classification of unaccredited shall be eligible to receive transfer students.**

**(3) No district or attendance center that has received two consecutive annual performance reports consistent with a classification of provisionally accredited for the years immediately preceding the year in which it seeks to enroll transfer students shall be eligible to receive any transfer students, irrespective of its state board of education classification designation; except that, any student who was granted a transfer to such a district or attendance center prior to the effective date of this section may remain enrolled in that district or attendance center.**

**6. Notwithstanding the provisions of subsection 5 of this section, a student may transfer to an attendance center:**

**(1) That is located within an unaccredited or provisionally accredited district; and**

**(2) That has an annual performance report score consistent with a classification of accredited if the attendance center applies for and is granted a waiver by the department of elementary and secondary education or its designee to allow the attendance center to accept transfer students.**

**7. If a receiving district becomes unaccredited or provisionally accredited, or if an approved charter school loses its status as an approved charter school, any students who previously transferred to the district or charter school shall receive the opportunity to remain enrolled in the district or charter school or to transfer to another district or approved charter school without losing their eligibility to transfer.**

**8. For a receiving district, no acceptance of a transfer student shall require any of the following actions, unless the board of education of the receiving district has approved the action:**

**(1) The hiring of additional classroom teachers;**

**(2) The construction of additional classrooms; or**

**(3) A class size and assigned enrollment in a receiving school that exceeds the standards for class size and assigned enrollment as promulgated in the Missouri school improvement program's resource standards.**

**9. (1) By July 15, 2019, the board of education of each available receiving district and the governing board of each approved charter school eligible to receive transfer students under this section shall set the number of transfer students the district or charter school is able to receive for the 2019-20 school year.**

**(2) By February first annually, the board of education of each available receiving district and the governing board of each approved charter school eligible to receive transfer students under this section shall set the number of transfer students the district or charter school is able to receive for the following school year.**

**(3) An available receiving district or approved charter school eligible to receive transfer students under this section shall publish the number set under this subsection and shall not be required to accept any transfer students under this section that would cause it to exceed the published number.**

**10. (1) Each available receiving district shall adopt a policy establishing a tuition rate for transfer students by February first annually.**

**(2) Each approved charter school eligible to receive transfer students under this section shall adopt a policy establishing a tuition rate for transfer students by February first annually.**

**(3) A sending district shall pay the receiving district or the approved charter school the amount specified under section 167.132 for each transfer student.**

**11. A student whose transfer application has been denied by a receiving district shall have the right to appeal the decision of the receiving district to the department of elementary and secondary education. The appeal shall be taken within fifteen days after the decision of the department and may be taken by filing notice of appeal with the department. Such appeal shall be heard as provided in chapter 536.**

**12. If an unaccredited district becomes classified as provisionally accredited or accredited without provisions by the state board of education, or if an attendance center within an unaccredited district improves its annual performance report score from a score that is consistent with a classification of unaccredited to a score that is consistent with a classification of provisionally accredited or accredited, any resident student of the unaccredited district who has transferred to an approved charter school or to an accredited district in the same or an adjoining county, as allowed under subsection 3 of this section, shall be permitted to continue his or her educational program in the receiving district or charter school through the completion of middle school, junior high school, or high school, whichever occurs first; except that, a student who attends any school serving students through high school graduation but starting at grades lower than ninth grade shall be permitted to complete high school in the school to which he or she has transferred.**

**13. Notwithstanding the provisions of subsection 10 of this section, if costs associated with the provision of special education and related services to a student with a disability exceed the tuition amount established under this section, the unaccredited district shall remain responsible for paying the excess cost to the receiving district. If the receiving district is a component district of a special school district, the unaccredited district, including any metropolitan school district, shall contract with the special school district for the entirety of the costs to provide special education and related services, excluding transportation in accordance with this section. The special school district may contract with an unaccredited district, including any metropolitan district, for the provision of transportation of a student with a disability or the unaccredited district may provide transportation on its own.**

**14. A special school district shall continue to provide special education and related services, with the exception of transportation under this section, to a student with a disability transferring from an attendance center with an annual performance report score consistent with a classification of unaccredited that is within a component district to an attendance center with an annual performance report score consistent with a classification of accredited that is within the same or a different component district within the special school district.**

**15. If any metropolitan school district is classified as unaccredited, it shall remain responsible for the provision of special education and related services, including transportation, to students with disabilities. A special school district in an adjoining county to a metropolitan school district may contract with the metropolitan school district for the reimbursement of special education services under sections 162.705 and 162.710 provided by the special school district for transfer students who are residents of the unaccredited district.**

**16. Regardless of whether transportation is identified as a related service within a student's individualized education program, a receiving district that is not part of a special school district shall**



not be responsible for providing transportation to a student transferring under this section. An unaccredited district may contract with a receiving district that is not part of a special school district under sections 162.705 and 162.710 for transportation of students with disabilities.

17. If a seven-director school district or urban school district is classified as unaccredited, it may contract with a receiving district that is not part of a special school district in the same or an adjoining county for the reimbursement of special education and related services under sections 162.705 and 162.710 provided by the receiving district for transfer students who are residents of the unaccredited district.

167.898. 1. (1) By July 15, 2019, and by January first annually, each accredited district, any portion of which is located in the same county as or in an adjoining county to an unaccredited district, shall report to the department of elementary and secondary education or its designee the number of available enrollment slots by grade level.

(2) By July 15, 2019, and by January first annually, each unaccredited district shall report to the department of elementary and secondary education or its designee the number of available enrollment slots in the schools of its district that have received annual performance report scores consistent with a classification of accredited.

(3) By July 15, 2019, and by January first annually, each approved charter school that is eligible to receive transfer students under section 167.895 shall report to the department of elementary and secondary education or its designee the number of available enrollment slots.

2. The department of elementary and secondary education or its designee shall make information and assistance available to parents or guardians who intend to transfer their child to an accredited district or to an approved charter school as described under section 167.895.

3. The parent or guardian of a student who intends to transfer his or her child to an accredited district or to an approved charter school as described under section 167.895 for enrollment in that district or charter school in any school year after the 2019-20 school year shall send initial notification to the department of elementary and secondary education or its designee by March first for enrollment in the subsequent school year.

4. The department of elementary and secondary education or its designee shall assign those students who seek to transfer to an accredited district or to an approved charter school as described under section 167.895. When assigning transfer students to approved charter schools, the department of elementary and secondary education or its designee shall coordinate with each approved charter school and its admissions process if capacity is insufficient to enroll all students who submit a timely application. An approved charter school shall not be required to institute a lottery procedure for determining the admission of resident students. The department of elementary and secondary education or its designee shall give first priority to students who live in the same household with any family member within the first or second degree of consanguinity or affinity who already attends a school with an annual performance report score consistent with a classification of accredited and who apply to attend the same school. If insufficient grade-appropriate enrollment slots are available for a student to be able to transfer, the student shall receive first priority the following school year. The department of elementary and secondary education or its designee shall consider the following factors in assigning schools, with the student's or parent's choice as the most important factor:

- (1) The student's or parent's choice of the receiving school;**
- (2) The best interests of the student;**
- (3) The availability of transportation funding, as provided under section 167.241; and**
- (4) Distance and travel time to a receiving school.**

**The department of elementary and secondary education or its designee shall not consider student academic performance, free and reduced price lunch status, or athletic ability in assigning a student to a school.**

**5. (1) The department of elementary and secondary education or its designee may deny a transfer to a student who in the most recent school year has been suspended from school two or more times or who has been suspended for an act of school violence under subsection 2 of section 160.261. A student whose transfer is initially precluded under this subsection may be permitted to transfer on a provisional basis as a probationary transfer student, subject to no further disruptive behavior, upon a statement from the student's current school that the student is not disruptive. A student who is denied a transfer under this subsection has the right to an in-person meeting with an employee of the department of elementary and secondary education or its designee.**

**(2) The department of elementary and secondary education shall promulgate rules to provide common standards for determining disruptive behavior that shall include, but not be limited to, criteria under section 160.261. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.”; and**

Further amend said bill, page 85, section B, lines 9-16 of said page, by striking all of said lines and inserting in lieu thereof the following:

“Section B. Because of the high number of school days lost due to inclement weather this year and because of the importance of improving and sustaining Missouri's elementary and secondary education system and establishing standards for student transfers to school districts, the enactment of sections 167.895 and 167.898 and the repeal and reenactment of section 171.033 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 167.895 and 167.898 and the repeal and reenactment of section 171.033 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above amendment be adopted, which motion prevailed.

Senator Schupp offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House

Bill No. 169, Page 64, Section 168.221, Line 4 of said page, by inserting immediately after said line the following:

**“170.020. 1. (1) The department of elementary and secondary education, through its school counseling section, shall be authorized to establish a voluntary pilot program, beginning in the 2020-21 school year, to provide social and emotional health education in elementary schools in the state. The purpose of the pilot program shall be to determine whether and how to implement an elementary social and emotional health education program statewide.**

**(2) The department, through its employees who work in the school counseling section, is authorized to select from among applications submitted by the public elementary schools a minimum of sixteen public elementary schools for participation in the pilot program. The department shall develop an application process for public elementary schools to apply to participate in the pilot program. The local school board for each elementary school selected to be in the pilot program shall agree to implement and fully fund an elementary social and emotional health program in such school and to continue to provide such elementary social and emotional health education program for a period no less than three years. The local school district may employ a social and emotional health teacher or certified school counselor to provide such program for the elementary school.**

**(3) The department, through its employees who work in the school counseling section, and local school districts shall collaborate to establish the instructional model for each elementary social and emotional health education program. Any such an instructional model shall use the Missouri Comprehensive School Counseling Program; be grade-appropriate; include instruction in an organized classroom, including instruction on how to set and achieve positive goals and how to utilize coping strategies to handle stress; and shall have an increased emphasis on protective factors, such as problem-solving skills, social support, and social connectedness through positive relationships and teamwork.**

**(4) The department, through its school counseling section, shall provide for a program evaluation regarding the success and impact of the pilot program upon completion of the third year of the pilot program and shall report the results of such evaluation to the relevant house and senate committees on health and mental health and education.**

**2. The department shall maintain an adequate number of full-time employees trained in social and emotional health education or certified in school counseling and distributed or accessible throughout the state to provide accountability for program delivery of social and emotional health education, to continue to develop and maintain pertinent social and emotional health education instructional models and standards, to assist local school districts on matters related to social and emotional health education, and to coordinate regional and statewide activities supporting K-12 social and emotional health education programming.**

**3. Nothing in this section shall be construed to require public elementary schools to participate in the pilot program.”; and**

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator Schupp offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 169, Page 8, Section 160.545, Line 21 of said page, by inserting immediately after said line the following:

“161.700. 1. This section shall be known as the “Holocaust Education and Awareness Commission Act”.

2. There is hereby created a permanent state commission known as the “Holocaust Education and Awareness Commission”. The commission shall be housed in the department of elementary and secondary education and shall promote implementation of holocaust education and awareness programs in Missouri in order to encourage understanding of the holocaust and discourage bigotry.

3. The commission shall be composed of twelve members to be appointed by the governor with advice and consent of the senate. The makeup of the commission shall be:

(1) The commissioner of higher education;

(2) The commissioner of elementary and secondary education;

(3) The president of the University of Missouri system; and

(4) Nine members of the public, representative of the diverse religious and ethnic heritage groups populating Missouri.

4. The holocaust education and awareness commission may receive such funds as appropriated from public moneys or contributed to it by private sources. It may sponsor programs or publications to educate the public about the crimes of genocide in an effort to deter indifference to crimes against humanity and human suffering wherever they occur.

5. The term “holocaust” shall be defined as the period from 1933 through 1945 when six million Jews and millions of others were murdered [in Nazi concentration camps] **by Nazi Germany and its collaborators** as part of a structured, state-sanctioned program of genocide.

6. The commission may employ an executive director and such other persons to carry out its functions.”; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator Schupp offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 169, Page 26, Section 163.018, Line 27, by inserting after the word “contract”, the following “**for no ore than ten years in the aggregate**”.

Senator Schupp moved that the above amendment be adopted.

At the request of Senator Schupp, the above amendment was withdrawn.

Senator Arthur offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No.169, Page 7, Section 160.545, Lines 12-13, by striking “a public community college” and inserting

in lieu thereof the following: **“an institution of higher education”**.

Senator Arthur moved that the above amendment be adopted.

At the request of Senator Romine, **HCS** for **HB 169**, with **SCS**, **SS** for **SCS** and **SA 5** (pending), was placed on the Informal Calendar.

At the request of Senator White, **HCS** for **HB 160**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wallingford, **HB 584**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Cunningham, **HB 599**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Brown, **HB 1029** was placed on the Informal Calendar.

At the request of Senator Sater, **HB 257** was placed on the Informal Calendar.

At the request of Senator Wallingford, **HB 563** was placed on the Informal Calendar.

**HCS** for **HB 266**, with **SCS**, entitled:

An Act to amend chapter 185, RSMo, by adding thereto one new section relating to Missouri historical theater designations.

Was taken up by Senator Hoskins.

**SCS** for **HCS** for **HB 266**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 266

An Act to amend chapters 9 and 185, RSMo, by adding thereto two new sections relating to state designations.

Was taken up.

Senator Hoskins moved that **SCS** for **HCS** for **HB 266** be adopted.

Senator Wieland offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 266, Page 1, Section 9.240, Line 4, by inserting after all of said line the following:

**“9.285. September ninth of each year is hereby designated and shall be known as “Diffuse Intrinsic Pontine Glioma Awareness Day” in honor of Adleigh, a young Missourian who lost her battle with this terminal form of childhood cancer. Citizens of this state are encouraged to recognize this day with appropriate events and activities to raise awareness and educate others about this disease.”; and**

Further amend the title and enacting clause accordingly.

Senator Wieland moved that the above amendment be adopted, which motion prevailed.

Senator Riddle offered SA 2:

**SENATE AMENDMENT NO. 2**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 266, Page 2, Section 185.070, Line 43 of said page, by inserting after all of said line the following:

**“261.500. 1. The provisions of this section shall be known and may be cited as the “Missouri Solar Pollinator Habitat Act”.**

**2. For purposes of this section, the following terms mean:**

**(1) “Native perennial vegetation”, perennial Missouri wildflowers, shrubs, grasses, or other plants that serve as beneficial habitat, forage, or migratory waystations for pollinators;**

**(2) “Pollinators”, any bees, birds, butterflies, or other animals or insects, including any wild or managed insects, that pollinate flowering plants;**

**(3) “Solar site”, a ground-mounted solar system for generating electricity that is at least one acre in size;**

**(4) “Vegetation management plan”, a written document that includes short-term and long-term site management practices that will provide and maintain native perennial vegetation.**

**3. The University of Missouri extension service, in consultation with other state and nongovernmental agencies with expertise in pollinators, shall publish a scorecard that sets forth criteria for making a claim that a solar site is pollinator-friendly or provides benefits to pollinators. The scorecard shall be available on the website of the University of Missouri extension service within six months of the effective date of this section.**

**4. An owner of a solar site may follow practices at the solar site that provide native perennial vegetation and foraging habitat beneficial to pollinators.**

**5. An owner of a solar site implementing site management practices under this section may claim that the site is pollinator-friendly or provides benefits to pollinators only if the site and the site's vegetation management plan adhere to the criteria set forth in the University of Missouri extension service's scorecard described under subsection 3 of this section.**

**6. An owner making a claim that a solar site is pollinator-friendly or provides benefits to pollinators shall make the solar site's completed scorecard and vegetation management plan available to the public and provide a copy to the University of Missouri extension service and a nonprofit solar industry trade association of this state.**

**311.025. 1. To qualify as “Missouri Bourbon” or “Missouri Bourbon Whiskey”, and to be labeled as such, a product shall be a spirit that meets the following conditions:**

**(1) The product shall be mashed, fermented, distilled, aged, and bottled in Missouri; and**

**(2) The product shall be aged in oak barrels manufactured in Missouri.**

**2. Beginning January 1, 2020, to qualify as “Missouri Bourbon” or “Missouri Bourbon Whiskey”, and to be labeled as such, all corn used in the mash must be Missouri-grown corn.”; and**

Further amend the title and enacting clause accordingly.

Senator Riddle moved that the above amendment be adopted, which motion prevailed.

Senator Schupp offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 266, Page 1, Section 9.240, Line 4, by inserting after all of said line the following:

“161.700. 1. This section shall be known as the “Holocaust Education and Awareness Commission Act”.

2. There is hereby created a permanent state commission known as the “Holocaust Education and Awareness Commission”. The commission shall be housed in the department of elementary and secondary education and shall promote implementation of holocaust education and awareness programs in Missouri in order to encourage understanding of the holocaust and discourage bigotry.

3. The commission shall be composed of twelve members to be appointed by the governor with advice and consent of the senate. The makeup of the commission shall be:

(1) The commissioner of higher education;

(2) The commissioner of elementary and secondary education;

(3) The president of the University of Missouri system; and

(4) Nine members of the public, representative of the diverse religious and ethnic heritage groups populating Missouri.

4. The holocaust education and awareness commission may receive such funds as appropriated from public moneys or contributed to it by private sources. It may sponsor programs or publications to educate the public about the crimes of genocide in an effort to deter indifference to crimes against humanity and human suffering wherever they occur.

5. The term “holocaust” shall be defined as the period from 1933 through 1945 when six million Jews and millions of others were murdered [in Nazi concentration camps] **by Nazi Germany and its collaborators** as part of a structured, state-sanctioned program of genocide.

6. The commission may employ an executive director and such other persons to carry out its functions.”; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator Eigel offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 266, Page 1, Section A, Line 2, by inserting after all of said line the following:

**“9.117. May twenty-sixth of each year shall be known as “Battle of St. Louis Memorial Day” in the state of Missouri. Citizens of this state are encouraged to participate in appropriate events and**

**activities to commemorate the only battle of the American Revolution fought in what would become the state of Missouri.”; and**

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted, which motion prevailed.

Senator Walsh assumed the Chair.

Senator May offered **SA 5**:

**SENATE AMENDMENT NO. 5**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 266, Page 1, Section 9.240, Line 4, by inserting after all of said line the following:

**“9.286. The month of October shall be known and designated as “Eczema Awareness Month”. The citizens of this state are encouraged to participate in appropriate activities and events to increase awareness of this chronic, inflammatory skin disease.”; and**

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted, which motion prevailed.

Senator Hoskins moved that **SCS for HCS for HB 266**, as amended, be adopted, which motion prevailed.

On motion of Senator Hoskins, **SCS for HCS for HB 266**, as amended, was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curles
Eigel	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

**NAYS—Senators**

Burlison                      Emery—2

Absent—Senator Romine—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hoskins, title to the bill was agreed to.

Senator Hoskins moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**HCS for HB 959**, with **SCS**, entitled:



An Act to repeal section 407.825, RSMo, and to enact in lieu thereof two new sections relating to the motor vehicle franchise practices act.

Was taken up by Senator Cierpiot.

SCS for HCS for **HB 959**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 959

An Act to repeal section 407.825, RSMo, and to enact in lieu thereof two new sections relating to the motor vehicle franchise practices act.

Was taken up.

Senator Cierpiot moved that **SCS for HCS for HB 959** be adopted.

Senator Cierpiot offered **SS for SCS for HCS for HB 959**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 959

An Act to repeal sections 347.048 and 407.825, RSMo, and to enact in lieu thereof three new sections relating to regulation of certain business organizations.

Senator Cierpiot moved that **SS for SCS for HCS for HB 959** be adopted.

Senator Luetkemeyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 959, Page 2, Section 347.048, Line 20 of said page, by inserting after all of said line the following:

“351.360. 1. Every corporation organized under this chapter shall have a president and a secretary, who shall be chosen by the directors, and such other officers and agents as shall be prescribed by the bylaws of the corporation. Unless the articles of incorporation or bylaws otherwise provide, any two or more offices may be held by the same person **and the offices of president, chief executive officer, and chairman of the board of directors may each be held by different persons.**

2. All officers and agents of the corporation, as between themselves and the corporation, shall have such authority and perform such duties in the management of the property and affairs of the corporation as may be provided in the bylaws, or, in the absence of such provision, as may be determined by resolution of the board of directors.

3. Any act required or permitted by any of the provisions of this chapter to be done by the president of the corporation may be done instead by the chairman of the board of directors, if any, of the corporation if the chairman of the board has previously been designated by the board of directors or in the bylaws to be the chief executive officer of the corporation, or to have the powers of the chief executive officer coextensively with the president, and such designation has been filed in writing with the secretary of state and such notice attested to by the secretary of the corporation.”; and

Further amend the title and enacting clause accordingly.

Senator Luetkemeyer moved that the above amendment be adopted, which motion prevailed.

Senator Cierpiot moved that **SS** for **SCS** for **HCS** for **HB 959**, as amended, be adopted, which motion prevailed.

On motion of Senator Cierpiot, **SS** for **SCS** for **HCS** for **HB 959**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo
Rowden	Sater	Schupp	Sifton	Wallingford	Walsh	White

Williams—29

NAYS—Senators

Burlison                      Eigel—2

Absent—Senators

Romine                      Schatz—2

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Cierpiot, title to the bill was agreed to.

Senator Cierpiot moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCS** for **HB 126** and has taken up and passed **SS** for **SCS** for **HB 126**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS**, as amended for **HCS** for **HB 1088** and has taken up and passed **SS** for **HCS** for **HB 1088**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS No. 4** for **SB 224**, entitled:

An Act to amend supreme court rules 25.03, 56.01, 57.01, 57.03, 57.04, 58.01, 59.01, and 61.01, relating to discovery.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS No. 2** for **SCR 14**.

Concurrent Resolution enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 182**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 182**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SB 17**, and has taken up and passed **CCS** for **SB 17**.

Emergency clause defeated.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 275**.

With House Amendment Nos. 1 and 2.

#### HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 275, Page 1, In the Title, Line 3, by deleting said line and inserting in lieu thereof the following:

“to health care.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 275, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“178.931. 1. Beginning July 1, 2018, and thereafter, the department of elementary and secondary education shall pay monthly, out of the funds appropriated to it for that purpose, to each sheltered workshop a sum equal to the amount calculated under subsection 2 of this section but at least the amount necessary to ensure that at least twenty-one dollars is paid for each six-hour or longer day worked by a handicapped employee **for each standard workweek of up to and including thirty-eight hours worked. For each handicapped worker employed by a sheltered workshop for less than a thirty-eight-hour week or a six-hour day, the workshop shall receive a percentage of the corresponding amount normally paid based on the percentage of time worked by the handicapped employee.**

2. In order to calculate the monthly amount due to each sheltered workshop, the department shall:

(1) Determine the quotient obtained by dividing the appropriation for the fiscal year by twelve; and

(2) Divide the amount calculated under subdivision (1) of this subsection among the sheltered workshops in proportion to each sheltered workshop's number of hours submitted to the department for the preceding calendar month.

3. The department shall accept, as prima facie proof of payment due to a sheltered workshop, information as designated by the department, either in paper or electronic format. A statement signed by the president, secretary, and manager of the sheltered workshop, setting forth the dates worked and the number of hours worked each day by each handicapped person employed by that sheltered workshop during the preceding calendar month, together with any other information required by the rules or regulations of the department, shall be maintained at the workshop location.

**192.385. 1. There is hereby established in the department of health and senior services the "Senior Services Growth and Development Program" to provide additional funding for senior services provided through the area agencies on aging in this state.**

**2. Beginning January 1, 2020, two and one-half percent, and beginning January 1, 2021, and each year thereafter, five percent of the premium tax collected under sections 148.320 and 148.370, excluding any moneys to be transferred to the state school moneys fund as described in section 148.360, shall be deposited in the fund created in subsection 3 of this section.**

**3. (1) There is hereby created in the state treasury the "Senior Services Growth and Development Program Fund", which shall consist of moneys collected under this section. The director of the department of revenue shall collect the moneys described in subsection 2 of this section and shall remit such moneys to the state treasurer for deposit in the fund, less one percent for the cost of collection. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and moneys in the fund shall be used solely by the department of health and senior services for enhancing senior services provided by area agencies on aging in this state.**

**(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. This fund is not intended to supplant general revenue provided for senior services.**

**(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**

**4. The department of health and senior services shall disburse the moneys from the fund to the area agencies on aging in accordance with the funding formula used by the department to disburse other federal and state moneys to the area agencies on aging.**

**5. At least fifty percent of all moneys distributed under this section shall be applied by area agencies on aging to the development and expansion of senior center programs, facilities, and services.**

**6. All area agencies on aging shall report, either individually or as an association, annually to the department of health and senior services, the department of insurance, financial institutions and professional registration, and the general assembly on the distribution and use of moneys under this section. The board of directors and the advisory board of each area agency on aging shall be responsible for ensuring the proper use and distribution of such moneys.**

**7. The department of health and senior services may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.”; and**

Further amend said bill, Page 2, Section 332.361, Line 45, by inserting after all of said section and line the following:

**“334.1135. 1. There is hereby established a joint task force to be known as the “Joint Task Force on Radiologic Technologist Licensure”.**

**2. The task force shall be composed of the following:**

**(1) Two members of the senate, one of whom shall be appointed by the president pro tempore and one by the minority leader of the senate;**

**(2) Two members of the house of representatives, one of whom shall be appointed by the speaker and one by the minority leader of the house of representatives;**

**(3) A clinic administrator, or his or her designee, appointed by the Missouri Association of Rural Health Clinics;**

**(4) A physician appointed by the Missouri State Medical Association;**

**(5) A pain management physician appointed by the Missouri Society of Anesthesiologists;**

**(6) A radiologic technologist appointed by the Missouri Society of Radiologic Technologists;**

**(7) A nuclear medicine technologist appointed by the Missouri Valley Chapter of the Society of Nuclear Medicine and Molecular Imaging;**

**(8) An administrator of an ambulatory surgical center appointed by the Missouri Ambulatory Surgical Center Association;**

**(9) A physician appointed by the Missouri Academy of Family Physicians;**

**(10) A certified registered nurse anesthetist appointed by the Missouri Association of Nurse Anesthetists;**

**(11) A physician appointed by the Missouri Radiological Society;**

**(12) The director of the Missouri state board of registration for the healing arts, or his or her designee; and**

**(13) The director of the Missouri state board of nursing, or his or her designee.**

**3. The task force shall review the current status of licensure of radiologic technologists in Missouri and shall develop a plan to address the most appropriate method to protect public safety when radiologic imaging and radiologic procedures are utilized. The plan shall include:**

- (1) An analysis of the risks associated if radiologic technologists are not licensed;
  - (2) The creation of a Radiologic Imaging and Radiation Therapy Advisory Commission;
  - (3) Procedures to address the specific needs of rural health care and the availability of licensed radiologic technologists;
  - (4) Requirements for licensure of radiographers, radiation therapists, nuclear medicine technologists, nuclear medicine advanced associates, radiologist assistants, and limited x-ray machine operators;
  - (5) Reasonable exemptions to licensure;
  - (6) Continuing education and training;
  - (7) Penalty provisions; and
  - (8) Other items that the task force deems relevant for the proper determination of licensure of radiologic technologists in Missouri.
4. The task force shall meet within thirty days of its creation and select a chair and vice chair. A majority of the task force shall constitute a quorum, but the concurrence of a majority of total members shall be required for the determination of any matter within the task force's duties.
5. The task force shall be staffed by legislative personnel as is deemed necessary to assist the task force in the performance of its duties.
6. The members of the task force shall serve without compensation, but may, subject to appropriation, be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.
7. The task force shall submit a full report of its activities, including the plan developed under subsection 3 of this section, to the general assembly on or before January 15, 2020. The task force shall send copies of the report to the director of the division of professional registration.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SJR**s **14 & 9**.

Bill ordered enrolled.

President Kehoe assumed the Chair.

### **HOUSE BILLS ON THIRD READING**

Senator Bernskoetter moved that **SCS** for **HCS** for **HB 547** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SCS** for **HCS** for **HB 547** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Williams—32			

## NAYS—Senators—None

Absent—Senator Romine—1

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Bernskoetter, title to the bill was agreed to.

Senator Bernskoetter moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

**HCS for HB 564, with SCS, entitled:**

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to professional registration.

Was taken up by Senator Koenig.

**SCS for HCS for HB 564, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 564

An Act to repeal sections 214.276, 256.477, 317.015, 324.086, 324.217, 324.262, 324.265, 324.496, 324.523, 324.1112, 324.1118, 326.280, 326.289, 326.310, 327.131, 327.221, 327.312, 327.381, 327.441, 327.612, 328.075, 328.150, 329.140, 331.030, 331.060, 332.231, 332.251, 332.281, 332.291, 333.041, 333.151, 334.414, 334.530, 334.613, 334.616, 334.655, 334.715, 334.920, 335.046, 335.066, 336.030, 336.110, 337.020, 337.035, 337.330, 337.510, 337.525, 337.615, 337.630, 337.644, 337.645, 337.665, 337.715, 337.730, 338.030, 338.055, 338.065, 338.185, 339.040, 339.100, 339.511, 339.532, 340.228, 340.264, 340.274, 340.300, 344.030, 344.050, 345.015, 345.050, 345.065, 346.055, 346.105, and 436.230, RSMo, and to enact in lieu thereof seventy-five new sections relating to professional registration, with penalty provisions.

Was taken up.

Senator Koenig moved that **SCS for HCS for HB 564** be adopted.

Senator Koenig offered **SS** for **SCS** for **HCS** for **HB 564**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 564

An Act to repeal sections 161.700, 198.082, 209.334, 214.276, 256.477, 313.812, 317.015, 324.047, 324.086, 324.217, 324.262, 324.265, 324.436, 324.496, 324.523, 324.940, 324.1112, 324.1118, 326.280, 326.289, 326.310, 327.131, 327.221, 327.312, 327.381, 327.401, 327.441, 327.612, 328.075, 328.150, 329.140, 331.030, 331.060, 332.231, 332.251, 332.281, 332.291, 333.041, 333.151, 334.414, 334.530, 334.613, 334.616, 334.655, 334.715, 334.920, 335.175, 336.030, 336.110, 337.020, 337.035, 337.330, 337.510, 337.525, 337.615, 337.630, 337.644, 337.645, 337.665, 337.715, 337.730, 339.040, 339.100, 339.511, 339.532, 340.228, 340.264, 340.274, 340.300, 344.030, 344.050, 345.015, 345.050, 345.065, 346.055, 346.105, and 436.230, RSMo, and to enact in lieu thereof seventy-eight new sections relating to state administrative agencies, with penalty provisions.

Senator Koenig moved that **SS** for **SCS** for **HCS** for **HB 564** be adopted.

Senator Koenig offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 564, Page 25, Section 324.012, Line 10, by striking “directly”; and further amend line 13 by striking “specific”; and

Further amend said bill and section, page 29, lines 6-7, by striking “**but in no event more than four months after receiving the petition from the applicant**” and inserting in lieu thereof the following: “**or when the licensing authority establishes a quorum, whichever is sooner**”.

Senator Koenig moved that the above amendment be adopted, which motion prevailed.

Senator Riddle offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 564, Page 140, Section 334.920, Line 9 of said page, by inserting after all of said line the following:

**“334.1135. 1. There is hereby established a joint task force to be known as the “Joint Task Force on Radiologic Technologist Licensure”.**

**2. The task force shall be composed of the following:**

**(1) Two members of the senate, one of whom shall be appointed by the president pro tempore and one by the minority leader of the senate;**

**(2) Two members of the house of representatives, one of whom shall be appointed by the speaker and one by the minority leader of the house of representatives;**



**(3) A clinic administrator, or his or her designee, appointed by the Missouri Association of Rural Health Clinics;**

**(4) A physician appointed by the Missouri State Medical Association;**

**(5) A pain management physician appointed by the Missouri Society of Anesthesiologists;**

**(6) A radiologic technologist appointed by the Missouri Society of Radiologic Technologists;**

**(7) A nuclear medicine technologist appointed by the Missouri Valley Chapter of the Society of Nuclear Medicine and Molecular Imaging;**

**(8) An administrator of an ambulatory surgical center appointed by the Missouri Ambulatory Surgical Center Association;**

**(9) A physician appointed by the Missouri Academy of Family Physicians;**

**(10) A certified registered nurse anesthetist appointed by the Missouri Association of Nurse Anesthetists;**

**(11) A physician appointed by the Missouri Radiological Society;**

**(12) The director of the Missouri state board of registration for the healing arts, or his or her designee; and**

**(13) The director of the Missouri state board of nursing, or his or her designee.**

**3. The task force shall review the current status of licensure of radiologic technologists in Missouri and shall develop a plan to address the most appropriate method to protect public safety when radiologic imaging and radiologic procedures are utilized. The plan shall include:**

**(1) An analysis of the risks associated if radiologic technologists are not licensed;**

**(2) The creation of a Radiologic Imaging and Radiation Therapy Advisory Commission;**

**(3) Procedures to address the specific needs of rural health care and the availability of licensed radiologic technologists;**

**(4) Requirements for licensure of radiographers, radiation therapists, nuclear medicine technologists, nuclear medicine advanced associates, radiologist assistants, and limited x-ray machine operators;**

**(5) Reasonable exemptions to licensure;**

**(6) Continuing education and training;**

**(7) Penalty provisions; and**

**(8) Other items that the task force deems relevant for the proper determination of licensure of radiologic technologists in Missouri.**

**4. The task force shall meet within thirty days of its creation and select a chair and vice chair. A**

majority of the task force shall constitute a quorum, but the concurrence of a majority of total members shall be required for the determination of any matter within the task force's duties.

5. The task force shall be staffed by legislative personnel as is deemed necessary to assist the task force in the performance of its duties.

6. The members of the task force shall serve without compensation, but may, subject to appropriation, be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

7. The task force shall submit a full report of its activities, including the plan developed under subsection 3 of this section, to the general assembly on or before January 15, 2020. The task force shall send copies of the report to the director of the division of professional registration.”; and

Further amend the title and enacting clause accordingly.

Senator Riddle moved that the above amendment be adopted, which motion prevailed.

Senator Burlison offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 564, Page 31, Section 324.012, Line 20 of said page, by inserting after all of said line the following:

**“324.025. 1. The provisions of this section shall be known and may be cited as the “Expanded Workforce Access Act of 2019”.**

**2. For purposes of this section, the following terms mean:**

**(1) “Apprenticeship”, a program that meets the federal guidelines set out in 29 C.F.R. Part 29 and 29 U.S.C. Section 50;**

**(2) “License”, a license, certificate, registration, permit, or accreditation that enables a person to legally practice an occupation, profession, or activity in the state;**

**(3) “Licensing authority”, an agency, examining board, credentialing board, or other office of the state with the authority to impose occupational fees or licensing requirements on any profession.**

**3. Beginning January 1, 2020, within the parameters established under the federal Labor Standards For the Registration of Apprenticeship Programs under 29 CFR Part 29 and 29 U.S.C. Section 50, each state licensing authority shall grant a license to any applicant who meets the following criteria:**

**(1) Successfully completed the eighth grade;**

**(2) Completed an apprenticeship approved by the division of professional registration or the United States Department of Labor, or otherwise permitted under state or federal law. This apprenticeship may be completed under the supervision of a state-licensed practitioner or at a state-licensed school; and**

**(3) Passed an examination, if one is deemed to be necessary, by the appropriate licensing authority.**

**4. (1) The appropriate licensing authority shall establish a passing score for any necessary examinations under the apprenticeship program which shall not exceed any passing scores that are otherwise required for a non-apprenticeship license for the specific profession.**

**(2) If there is no examination requirement for a non-apprenticeship license, no examination shall be required for applicants who complete an apprenticeship.**

**(3) The number of working hours required for a competency-based apprenticeship or a hybrid apprenticeship under 29 CFR 29.5 shall not exceed the number of educational hours otherwise required for a non-apprenticeship license for the specific profession.**

**5. Any department with oversight over a licensing authority may promulgate all necessary rules and regulations for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.**

**6. The provisions of this section shall not apply to any occupation set forth in section 290.257, or any electrical contractor licensed under sections 324.900 to 324.945.”; and**

Further amend the title and enacting clause accordingly.

Senator Burlison moved that the above amendment be adopted, which motion prevailed.

Senator May offered **SA 4:**

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 564, Page 13, Section 256.477, Line 17 of said page, by inserting immediately after said line the following:

“301.227. 1. Whenever a vehicle is sold for salvage, dismantling or rebuilding, the purchaser shall forward to the director of revenue within ten days the certificate of ownership or salvage certificate of title and the proper application and fee of eight dollars and fifty cents, and the director shall issue a negotiable salvage certificate of title to the purchaser of the salvaged vehicle. On vehicles purchased during a year that is no more than six years after the manufacturer’s model year designation for such vehicle, it shall be mandatory that the purchaser apply for a salvage title. On vehicles purchased during a year that is more than six years after the manufacturer’s model year designation for such vehicle, then application for a salvage title shall be optional on the part of the purchaser. Whenever a vehicle is sold for destruction and a salvage certificate of title, junking certificate, or certificate of ownership exists, the seller, if licensed under sections 301.217 to 301.221, shall forward the certificate to the director of revenue within ten days, with the notation of the date sold for destruction and the name of the purchaser clearly shown on the face of the certificate.

2. Whenever a vehicle is classified as junk, as defined in section 301.010, the purchaser may forward to the director of revenue a properly completed application for a junking certificate as well as the salvage certificate of title or certificate of ownership and the director shall issue a negotiable junking certificate to

the purchaser of the vehicle. The director may also issue a junking certificate to a possessor of a vehicle manufactured twenty-six years or more prior to the current model year who has a bill of sale for said vehicle but does not possess a certificate of ownership, provided no claim of theft has been made on the vehicle and the highway patrol has by letter stated the vehicle is not listed as stolen after checking the registration number through its nationwide computer system. Such junking certificate may be granted within thirty days of the submission of a request. A junking certificate shall authorize the holder to possess, transport, or, by assignment, transfer ownership in such parts, scrap, or junk.

3. For any vehicle issued a junking certificate or such similar document or classification pursuant to the laws of another state, regardless of whether such designation has been subsequently changed by law in any other state, the department shall only issue a junking certificate, and a salvage certificate of title or original certificate of ownership shall not thereafter be issued for such vehicle. Notwithstanding the provisions of this subsection, if the vehicle has not previously been classified as a junk vehicle, the applicant making the original junking certification application shall, within ninety days, be allowed to rescind his application for a junking certificate by surrendering the junking certificate and apply for a salvage certificate of title in his name. The seller of a vehicle for which a junking certificate has been applied for or issued shall disclose such fact in writing to any prospective buyers before sale of such vehicle; otherwise the sale shall be voidable at the option of the buyer.

4. No scrap metal operator shall acquire or purchase a motor vehicle or parts thereof without, at the time of such acquisition, receiving the original certificate of ownership or salvage certificate of title or junking certificate from the seller of the vehicle or parts, unless the seller is a licensee under sections 301.219 to 301.221.

5. All titles and certificates required to be received by scrap metal operators from nonlicensees shall be forwarded by the operator to the director of revenue within ten days of the receipt of the vehicle or parts.

6. The scrap metal operator shall keep a record, for three years, of the seller's name and address, the salvage business license number of the licensee, date of purchase, and any vehicle or parts identification numbers open for inspection as provided in section 301.225.

7. Notwithstanding any other provision of this section, a motor vehicle dealer as defined in section 301.550 and licensed under the provisions of sections 301.550 to 301.572 may negotiate one reassignment of a salvage certificate of title on the back thereof.

8. Notwithstanding the provisions of subsection 1 of this section, an insurance company which settles a claim for a stolen vehicle may apply for and shall be issued a negotiable salvage certificate of title without the payment of any fee upon proper application within thirty days after settlement of the claim for such stolen vehicle. However, if the insurance company upon recovery of a stolen vehicle determines that the stolen vehicle has not sustained damage to the extent that the vehicle would have otherwise been declared a salvage vehicle pursuant to section 301.010, then the insurance company may have the vehicle inspected by the Missouri state highway patrol, or other law enforcement agency authorized by the director of revenue, in accordance with the inspection provisions of subsection 9 of section 301.190. Upon receipt of title application, applicable fee, the completed inspection, and the return of any previously issued negotiable salvage certificate, the director shall issue an original title with no salvage or prior salvage designation. Upon the issuance of an original title the director shall remove any indication of the negotiable salvage title previously issued to the insurance company from the department's electronic records.

9. **(1)** Notwithstanding subsection 4 of this section or any other provision of the law to the contrary, if a motor vehicle is inoperable and is at least ten model years old, or the parts are from a motor vehicle that is inoperable and is at least ten model years old, a scrap metal operator may purchase or acquire such motor vehicle or parts without receiving the original certificate of ownership, salvage certificate of title, or junking certificate from the seller of the vehicle or parts, provided the scrap metal operator verifies with the department of revenue, via the department's online record access, that the motor vehicle is not subject to any recorded security interest or lien and the scrap metal operator complies with the requirements of this subsection. In lieu of forwarding certificates of title or ownership for such motor vehicles as required by subsection 5 of this section, the scrap metal operator shall forward a copy of the seller's state identification card along with a bill of sale to the department of revenue. The bill of sale form shall be designed by the director and such form shall include, but not be limited to, a certification that the motor vehicle is at least ten model years old, is inoperable, is not subject to any recorded security interest or lien, and a certification by the seller that the seller has the legal authority to sell or otherwise transfer the seller's interest in the motor vehicle or parts. Upon receipt of the information required by this subsection, the department of revenue shall cancel any certificate of title or ownership and registration for the motor vehicle. If the motor vehicle is inoperable and at least twenty model years old, then the scrap metal operator shall not be required to verify with the department of revenue whether the motor vehicle is subject to any recorded security interests or liens. As used in this subsection, the term "inoperable" means a motor vehicle that is in a rusted, wrecked, discarded, worn out, extensively damaged, dismantled, and mechanically inoperative condition and the vehicle's highest and best use is for scrap purposes.

**(2) The provisions of this subsection shall not apply in any city not within a county, any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, any home rule city with more than four hundred thousand inhabitants and located in more than one county, any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat, and any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants.**

**10. If a scrap metal operator has knowledge that a motor vehicle or parts thereof described under subsection 9 of this section originated in any of the locations set forth in subdivision (2) of subsection 9 of this section, such operator shall not acquire or purchase a motor vehicle or parts thereof without, at the time of such acquisition, receiving the original certificate of ownership or salvage certificate of title or junking certificate from the seller of the vehicle or parts, unless the seller is a licensee under sections 301.219 to 301.221.**

**11. The director of the department of revenue is directed to promulgate rules and regulations to implement and administer the provisions of this section, including but not limited to, the development of a uniform bill of sale. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then**

the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.”; and

Further amend said bill, page 233, section 346.105, line 18 of said page, by inserting immediately after said line the following:

**“407.296. As used in sections 407.296 to 407.303, the following terms mean:**

**(1) “Catalytic converter”, a device designed for use in a vehicle for purposes of chemically converting harmful exhaust gases, produced by the internal combustion engine, into harmless carbon dioxide and water vapor;**

**(2) “Copper property”, any insulated copper wire, copper tubing, copper guttering and downspouts, or any item composed completely of copper;**

**(3) “Copper property peddler”, any person who sells or attempts to sell copper property and who is not either a licensed or certified tradesperson or does not hold a business license issued by a city, municipality, or county;**

**(4) “Ferrous metals”, metals which contain iron and are magnetic;**

**(5) “HVAC component”, any air conditioner evaporator coil or condenser used in connection with a residential, commercial, or industrial building;**

**(6) “Nonferrous metals”, metals which do not contain significant amounts of iron and are not magnetic, such as aluminum, brass, lead, zinc, and copper;**

**(7) “Scrap metal dealer”, any entity, including any person, firm, company, partnership, association, or corporation, located in this state who purchases products containing ferrous or nonferrous metals for recycling;**

**(8) “Vehicle repair shop”, any commercial facility engaged in the repair or replacement of car, truck, van, motorcycle, or other motorized mechanical and exhaust components, whether as a primary or ancillary activity.**

**407.297. 1. No person shall engage in the business of a copper property peddler without first obtaining a license from the municipality or county and complying with the provisions of this section.**

**2. The municipality or county issuing the license shall determine the license fee. The license shall expire June thirtieth of each year. Each license shall bear a separate number, the name and address of the licensee, and telephone number of the licensee. The license shall be available only to the person in whose name it is issued and shall not be used by any person other than the original licensee. Any licensee who shall permit his or her license to be used by any other person, and any other person who shall use a license granted to another person, shall each be deemed guilty of a violation of this section.**

**3. Application for a license under this section shall be made in writing to the municipality or county and shall state the name, age, description, and address of the applicant. The application shall include a sworn statement setting forth each and every conviction of the applicant for violations of federal, state, or city laws, statutes, or ordinances. In addition, the applicant shall, at his or her expense, obtain a complete copy of the person's police record as indicated by the records of the city**

police department and submit such record as part of the application. No license shall be granted to any person who has been convicted of burglary, robbery, stealing, theft, or possession or receiving stolen goods in the last twenty-four months prior to the date of the application.

4. The municipality or county shall have the power and authority to revoke any license under this section for any willful violation by a copper property peddler provided the licensee has been notified in writing at his or her place of business of the violations complained of and shall have been afforded a reasonable opportunity to having a hearing.

5. The provisions of this section shall not apply to a municipality or county that has enacted an ordinance for the licensing of copper property peddlers prior to August 28, 2019. Such municipality or county shall not be required to alter such ordinance to meet the requirements of this section.

**407.298. 1.** A scrap metal dealer shall pay for any copper property or HVAC component as follows:

(1) A scrap metal dealer shall not pay cash for copper property or HVAC component unless the seller presents or the scrap metal dealer has on file a valid business license, valid trade license, or trade certificate;

(2) Payment to any seller of copper property or HVAC component who presents a valid copper property peddler's license shall be by check. Checks shall be written to the licensee or certified tradesperson and may be delivered to the seller at the time of the sale;

(3) Payment to any seller of copper property or HVAC component who does not present or have on file a valid business license, valid trade license, or certificate or valid copper peddler's license shall be by check. Checks shall be payable only to the person whose name was recorded as delivering the copper property or HVAC component to the scrap metal dealer; provided, however, that if such person is delivering the copper property or HVAC component on behalf of a governmental entity or a nonprofit or for profit business entity, the check may be payable to such entity. All checks issued to a seller of copper property or HVAC component who does not present or have on file a valid business license, valid trade license, or valid copper peddler's license shall be mailed via the United States mail to the address provided on the driver's license or picture identification provided by the seller;

(4) Checks shall not be converted to cash by a scrap metal dealer or by any related entity.

2. This section shall not apply to any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business.

**407.299. 1.** If a scrap metal dealer has actual knowledge that copper or HVAC component in its possession has been stolen, the dealer shall notify the local police department via 911 and provide any information in its possession relative to the seller or the sale transaction.

2. Following notice from the scrap metal dealer or if the police department has reasonable suspicion that the scrap metal dealer is in possession of stolen property, the police department may

issue to the scrap metal dealer a written notice placing a ten-day hold order on the property.

**3. (1) It is unlawful for any person to knowingly present for sale to a scrap metal dealer stolen ferrous or nonferrous metal, including but not limited to, copper property or HVAC components. Any person who knowingly presents for sale stolen ferrous or nonferrous metal shall be guilty of an offense for each item of scrap metal and shall upon conviction be subject to a fine of not less than five hundred dollars or by imprisonment for a period not to exceed ninety days or both fine and imprisonment.**

**(2) It is unlawful for a person to willfully and maliciously cut, mutilate, deface, or otherwise injure any personal or real property owned by a third party, including any fixtures or improvements, for the purpose of obtaining ferrous or nonferrous metals in any amount. Any person who willfully and maliciously cuts, mutilates, defaces, or otherwise injures any personal or real property owned by a third party for the purpose of obtaining ferrous or nonferrous metal shall be guilty of an offense for each item of scrap metal derived from such actions and shall upon conviction be subject to a fine of not less than five hundred dollars or by imprisonment for a period not to exceed ninety days or both fine and imprisonment.**

**(3) In addition to the penalties described in this subsection, a copper property peddler's license shall be revoked if he or she knowingly violates sections 407.296 to 407.300.**

407.300. 1. Every purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property shall keep a register containing a written or electronic record for each purchase or trade in which each type of material, **which includes ferrous and nonferrous metals**, subject to the provisions of this section is obtained for value. There shall be a separate record for each transaction involving any:

(1) Copper, brass, or bronze;

(2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener;

(3) Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in section 350.010; whatever may be the condition or length of such metal;

(4) Catalytic converter; or

(5) Motor vehicle, heavy equipment, or tractor battery.

2. The record required by this section shall contain the following data:

(1) A copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof to the person from whom the material is obtained;

(2) The current address, gender, **race, sex**, birth date, and a photograph of the person from whom the material is obtained if not included or are different from the identification required in subdivision (1) of this subsection;

(3) The date, time, and place of the transaction;

(4) The license plate number of the vehicle used by the seller during the transaction;

(5) A full description of the material, including the weight and purchase price, **any business license**



**number or the copper property peddler's license (including the name of the issuing municipality), amount paid, and license plate number of the vehicle delivering the material. The information shall be completed in full without any missing data or information described in this subsection.**

**3. The records required under this section shall be maintained for a [minimum of twenty-four months] period of three years from when such material is obtained and shall be available for inspection by any law enforcement officer. All records required under this section shall be photocopied and maintained for three years from the date of the transaction.**

**4. Any person selling copper property who holds a valid business license or copper property peddler's license shall present a copy of such license to the scrap metal dealer.**

**5. A transaction receipt shall be issued and consist of the same information required under subsection 1 of this section and shall include the following statement: "By accepting payment from (insert name of scrap metal dealer), seller represents and warrants that the material documented by this receipt is owned by or was lawfully obtained, and the seller has the legal right to sell the material to (insert name of scrap metal dealer)". If the seller provides any documentation indicating that the person is in lawful possession of the scrap metal, or was otherwise lawfully acquired, including without limitation a bill of sale or receipt, the scrap metal dealer shall photocopy such documentation and maintain it with the transaction information otherwise required by this section.**

**6. A scrap metal dealer, the agent employee, or representative of a scrap metal dealer shall not disclose personal information concerning a customer under this section without the consent of the customer unless the disclosure is made in response to a request from a law enforcement agency. A scrap metal dealer shall implement reasonable safeguards:**

**(1) To protect the security of the personal information required under subsection 1 of this section; and**

**(2) To prevent unauthorized access to or disclose of that information.**

**7. A scrap metal dealer shall not be liable to any customer for a disclosure of personal information if the scrap metal dealer has met the requirements set forth in subsection 5 of this section.**

**[4.] 8. Anyone convicted of violating this section shall be guilty of a class B misdemeanor.**

**[5.] 9. This section shall not apply to any of the following transactions:**

**(1) Any transaction for which the total amount paid for all regulated material purchased or sold does not exceed fifty dollars, unless the material is a catalytic converter;**

**(2) Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or**

**(3) Any transaction for which the type of metal subject to subsection 1 of this section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications.**

**10. Hours of retail operation for scrap metal dealers shall be no earlier than 6:00 a.m. and no later than 7:00 p.m.**

**11. No scrap metal dealer shall purchase or otherwise receive from a person under the age of eighteen any ferrous or nonferrous metal other than aluminum cans.**

**12. A scrap metal dealer shall register with or subscribe to the alert system established by the Institute of Scrap Recycling Industries, Inc., referred to as the ISRI Scrap Theft Alert system and maintain that registration or subscription.**

407.302. 1. No scrap yard shall purchase any metal that can be identified as belonging to a public or private cemetery, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, or utility regulated under chapter 386 or 393, including bleachers, guardrails, signs, street and traffic lights or signals, **certain cables used in high voltage transmission lines, historical markers**, and manhole cover or covers, whether broken or unbroken, from anyone other than the cemetery or monument owner, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, utility regulated under chapter 386 or 393, or manufacturer of the metal or item described in this section unless such person is authorized in writing by the cemetery or monument owner, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, utility regulated under chapter 386 or 393, or manufacturer to sell the metal.

**2. No person shall knowingly sell or attempt to sell to a scrap metal dealer and no scrap metal dealer shall knowingly and willfully purchase the following:**

**(1) New materials, such as those used in construction, or equipment or tools used by contractors unless accompanied by proof of ownership or authorization to sell the materials on behalf of the owner;**

**(2) HVAC components unless accompanied by written authorization from the business or property owner evidencing the seller has the legal right to sell the material;**

**(3) Catalytic converters unless purchased from a vehicle repair business.**

**3. Anyone convicted of violating this section shall be guilty of a class B misdemeanor.”; and**

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted.

Senator Emery raised the point of order that **SA 4** is out of order in that it is not germane to the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Hegeman offered **SA 5**:

**SENATE AMENDMENT NO. 5**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House

Bill No. 564, Page 2, Section A, Line 18, by inserting after all of said line the following:

“36.155. 1. An employee may take part in the activities of political parties and political campaigns.

2. An employee may not:

(1) Use the employee's official authority or influence for the purpose of interfering with the results of an election;

(2) Knowingly solicit, accept or receive a political contribution from any person who is a subordinate employee of the employee;

(3) Run for the nomination, or as a candidate for election, to a partisan political office; or

(4) Knowingly solicit or discourage the participation in any political activity of any person who has an application for any compensation, grant, contract, ruling, license, permit or certificate pending before the employing department of such employee or is the subject of, or a participant in, an ongoing audit, investigation or enforcement action being carried out by the employing department of such employee.

3. An employee retains the right to vote as the employee chooses and to express the employee's opinion on political subjects and candidates.

**4. Notwithstanding the provisions of subsection 2 of this section to the contrary, any employee that is not subject to the provisions of subsection 1 of section 36.030 or section 36.031 may run for the nomination, or as a candidate for election, to a county office.”; and**

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator Hough offered SA 6:

#### SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 564, Page 134, Section 334.655, Line 8 of said page, by inserting after all of said line the following:

“334.702. As used in sections 334.700 to 334.725, unless the context clearly requires otherwise, the following terms mean:

(1) “Athlete”, [a person who participates in a sanctioned amateur or professional sport or recreational sport activity] **any person who engages in exercise, recreation, sport, or other activity requiring physical strength, agility, flexibility, range of motion, speed, or stamina;**

(2) “Athletic trainer”, a [person] **health care professional** who meets the qualifications of section 334.708 and who, upon the direction of [the team physician and/or] **a consulting physician**[, practices prevention,] **licensed under this chapter, promotes health and wellness, provides injury and illness prevention, clinical evaluation and assessment,** emergency care, first aid, treatment, or physical rehabilitation of injuries incurred by athletes, **and oversees return to performance activity for athletes** in the manner, means, and methods0 deemed necessary to effect care [or], rehabilitation, [or both] **or function, and that are congruent with the athletic trainer’s education, training, and competence;**

**(3) “Athletic training student”, a person enrolled in a professional athletic training degree program accredited by the Commission on Accreditation of Athletic Training Education, or its successor agency;**

**[(3)] (4) “Board”, the Missouri board for the healing arts;**

**[(4)] (5) “Committee”, the Missouri athletic [trainers] trainer advisory committee;**

**[(5)] (6) “Division”, the division of professional registration within the department of insurance, financial institutions and professional registration;**

**[(6) “Student athletic trainer”, a person who assists in the duties usually performed by a licensed athletic trainer and who works under the direct supervision of a licensed athletic trainer.]**

**(7) “Physically active individual”, any person who engages in exercise, recreation, sport, or other activity requiring physical strength, agility, flexibility, range of motion, speed, or stamina.**

**334.703. 1. An athletic trainer shall refer any individual whose medical condition is beyond the scope of the athletic trainer’s education, training, and competence to a physician as defined in chapter 334.400.**

**2. Nothing in this section shall be construed as to limit the ability of athletic trainers to provide health care services in accordance with the provisions of this chapter.**

**334.704. No person shall hold himself or herself out as an athletic trainer [in this state] or to be practicing athletic training, by title or description, including the words athletic trainer (AT), licensed athletic trainer (LAT), athletic therapist, or certified athletic trainer (ATC), unless such person has been licensed as such under the provisions of sections 334.700 to 334.725.**

**334.706. 1. The board shall license applicants who meet the qualifications for athletic trainers, who file for licensure, and who pay all fees required for this licensure.**

**(1) The board may issue a temporary license to any person who is licensed as an athletic trainer in any other state or territory of the United States, who has attested that no professional license issued to him or her has ever been disciplined and who meets any other requirements established by the board.**

**(2) A temporary license shall be valid for six months from the date of issuance or until a permanent license is issued or denied and shall not be renewed.**

**(3) A temporary license may be denied pursuant to the cases and procedures set forth in section 334.715.**

**2. The board shall:**

**(1) Prescribe application forms to be furnished to all persons seeking licensure pursuant to sections 334.700 to 334.725;**

**(2) Prescribe the form and design of the licensure to be issued pursuant to sections 334.700 to 334.725;**

**(3) Set the fee for licensure and renewal thereof;**

(4) Keep a record of all of its proceedings regarding the Missouri athletic trainers act and of all athletic trainers licensed in this state;

(5) [Annually prepare] **Make available** a roster of the names and **business** addresses of all athletic trainers licensed in this state[, copies of which shall be made available upon request to any person paying the fee therefor];

(6) [Set the fee for the roster at an amount sufficient to cover the actual cost of publishing and distributing the roster;

(7)] Appoint members of the Missouri athletic trainer advisory committee[;

(8) Adopt an official seal].

3. The board may:

(1) Issue subpoenas to compel witnesses to testify or produce evidence in proceedings to deny[, suspend, or revoke] a license or licensure **or discipline a license;**

(2) Promulgate rules pursuant to chapter 536 in order to carry out the provisions of sections 334.700 to 334.725;

(3) Establish guidelines for athletic trainers in sections 334.700 to 334.725.

4. No rule or portion of a rule promulgated under the authority of sections 334.700 to 334.725 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

334.708. [1.] Any person seeking licensure pursuant to sections 334.700 to 334.725 after August 28, 2006, [must be a resident or in the process of establishing residency in this state and] **shall** have passed the [National Athletic Trainers Association] Board of Certification, **Inc.**, or its successor agency, examination.

[2. The board shall grant, without examination, licensure to any qualified nonresident athletic trainer holding a license or licensure in another state if such other state recognizes licenses or licensure of the state of Missouri in the same manner.]

334.710. 1. All applications for initial licensure pursuant to sections 334.700 to 334.725 shall be submitted on forms prescribed by the board and shall be accompanied by an initial licensure fee. All applications for renewal of licensure issued pursuant to sections 334.700 to 334.725 shall be submitted on forms prescribed by the board and shall be accompanied by a renewal fee.

2. All fees of any kind and character authorized to be charged by the board shall be [paid to the director of revenue and shall be deposited by the state treasurer into the board for the healing arts fund, to be disbursed only in payment for expenses of maintaining the athletic trainer licensure program and for the enforcement of the provisions of sections 334.700 to 334.725] **collected and deposited pursuant to section 334.050.**

334.712. 1. Any person who meets the qualifications listed in section 334.708, submits his or her application and fees in accordance with section 334.710, and has not committed any act listed in section 334.715 shall be issued a license pursuant to sections 334.700 to 334.725.

2. Each license issued pursuant to sections 334.700 to 334.725 shall contain the name of the person to

whom it was issued, the date on which it was issued and such other information as the board deems advisable. All licenses issued pursuant to sections 334.700 to 334.725 shall expire on [January thirtieth of each year] **a schedule established by rule.**"; and

Further amend said bill, Page 135, Section 334.715, Lines 19-21 of said page, by striking all of said lines and inserting in lieu thereof the following: "in the ethical standards of the National Athletic [Trainers] **Trainers'** Association or the [National Athletic Trainers Association] Board of Certification, **Inc.,** or its successor agency, as adopted and"; and further amend line 27 of said page, by inserting after "(3)" the following: "**Has practiced in the state of Missouri while no longer certified as an athletic trainer by the Board of Certification, Inc., or its successor agency; or**

**(4)**"; and

Further amend said bill and section, Page 137, Line 4 of said page, by inserting after all of said line the following:

"334.717. 1. There is hereby created the "Missouri Athletic Trainer Advisory Committee", to be composed of [five] **six** members to be appointed by the board.

2. The athletic trainer advisory committee shall:

(1) Assist the board in conducting [examinations] **evaluations** for applicants of athletic trainer licensure;

(2) Advise the board on all matters pertaining to the licensure of athletic trainers;

(3) Review all complaints and/or investigations wherein there is a possible violation of sections **334.100**, 334.700 to 334.725, or regulations promulgated pursuant thereto and make recommendations to the board for action;

(4) Follow the provisions of the board's administrative practice procedures in conducting all official duties.

3. [Each] **The** athletic trainer advisory committee [member] shall **be comprised as such:**

(1) **Each member shall** be a citizen of the United States and a resident of the state of Missouri for five years [next] **immediately** preceding appointment **and remain a resident of the state of Missouri throughout the term;** and

(2) [Be comprised of] Three **members shall be** licensed athletic trainers [except for initial appointees]; and

(3) One member shall be a physician duly licensed by the Missouri state board for the healing arts; and

(4) One member shall be a general public member; **and**

**(5) One member shall be a member of the board.**

4. [Except for the initial appointees,] Members shall hold office for terms of six years. [The board shall designate one member for a term expiring in 1984, one member for a term expiring in 1985, one member for a term expiring in 1986, one member for a term expiring in 1987, and one member for a term expiring in 1988.] In the event of death, resignation, or removal of any member, the vacancy of the unexpired term shall be filled by the board in the same manner as the other appointments.

334.721. 1. Nothing in sections 334.700 to 334.725 shall be construed to authorize the practice of medicine by any person not licensed by the state board of registration for the healing arts.

2. The provisions of sections 334.700 to 334.725 shall not apply to the following persons:

(1) Physicians and surgeons licensed by the state board of registration for the healing arts **as defined in this chapter**;

(2) [Dentists licensed by the Missouri dental board who confine their practice strictly to dentistry;

(3) Optometrists licensed by the state board of optometry who confine their practice strictly to optometry, as defined in section 336.010;

(4)] Nurses licensed by the state board of nursing who confine their practice strictly to nursing **as defined in section 335.016**;

[(5)] (3) Chiropractors licensed by the state board of chiropractic examiners who confine themselves strictly to the practice of chiropractic, as defined in section 331.010;

[(6)] (4) Podiatrists licensed by the state board of chiropody or podiatry who confine their practice strictly to that of a podiatrist, as defined in section 330.010;

[(7)] (5) Professional physical therapists licensed by the state board of registration for the healing arts who confine their practice strictly to professional physical therapy, as defined in section 334.500;

[(8) Coaches and physical education instructors in the performance of their duties;

(9)] (6) Athletic training students who confine themselves strictly to their duties as defined in sections 334.700 to 334.725;

[(10)] (7) Athletic trainers, **holding a valid credential** from other nations, states, or territories performing their duties for their respective teams or organizations if they restrict their duties only to their teams or organizations and only during the course of their teams' or organizations' [stay] **visit, not to exceed thirty days in one calendar year**, in this state.

334.725. Any person who violates any provision of sections 334.700 to 334.725 is guilty of a misdemeanor and, upon conviction thereof, shall be punished as for a class [C] **B** misdemeanor.

**334.726. Any new amendments to sections 334.701 to 334.726, shall become effective thirty days after the effective date of such act.**"; and

Further amend said bill, Page 235, Section 436.230, Line 9 of said page, by inserting after all of said line the following:

"[334.719. Any person who is a resident of this state and who was actively engaged as an athletic trainer on September 28, 1983, shall be entitled to continue to practice as such but, within six months of that date, comply with the provisions of section 334.708 to 334.715. For the purposes of this section a person is actively engaged as an athletic trainer if he is employed on a salary basis by an educational institution, a professional athletic organization, or any other bona fide athletic organization for the duration of the institutional year or the athletic organization's season, and one of his job responsibilities requires him to perform the duties of an athletic trainer.]"; and

Further amend the title and enacting clause accordingly.

Senator Hough moved that the above amendment be adopted, which motion prevailed.

Senator Hoskins offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 564, Page 74, Section 326.289, Line 19 of said page, by inserting after “11.” the following: **“Notwithstanding any other provision in this section, the board may obtain the following information regarding peer review from any approved American Institute for Certified Public Accountants peer review program:**

- (1) The firm’s name and address;**
  - (2) The firm’s dates of enrollment in the program;**
  - (3) The date of acceptance and the period covered by the firm’s most recently accepted peer review; and**
  - (4) If applicable, whether the firm’s enrollment in the program has been dropped or terminated.**
- 12.”**; and further amend said section by renumbering the remaining subsections accordingly; and

Further amend said bill and section, Page 75, Line 4 of said page, by striking “11” and inserting in lieu thereof the following: **“12”**.

Senator Hoskins moved that the above amendment be adopted, which motion prevailed.

Senator Wallingford offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 564, Page 31, Section 324.012, Line 20 of said page, by inserting after all of said line the following:

**“324.009. 1. For purposes of this section, the following terms mean:**

**(1) “License”, a license, certificate, registration, permit, or accreditation that enables a person to legally practice an occupation or profession in a particular jurisdiction; except that “license” shall not include a certificate of license to teach in public schools under section 168.021;**

**(2) “Nonresident military spouse”, a nonresident spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, is domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;**

**(3) “Oversight body”, any board, department, agency, or office of a jurisdiction that issues licenses; except, for the purposes of this section, oversight body shall not include the state board of registration for the healing arts, the state board of nursing, the board of pharmacy, the state committee of psychologists, the Missouri dental board, the Missouri board for architects, professional engineers, professional land surveyors and professional landscape architects, the state board of optometry, or the Missouri veterinary medical**



board.

2. Any resident of Missouri **or any nonresident military spouse** who holds a valid current license issued by another state, territory of the United States, or the District of Columbia may submit an application for a license in Missouri in the same occupation or profession for which he or she holds the current license, along with **any required application fee and** proof of current licensure in [the] **all** other [jurisdiction] **jurisdictions**, to the relevant oversight body in this state.

3. The oversight body in this state shall, within [six months] **ninety days** of receiving an application described in subsection 2 of this section, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that the licensing requirements in the jurisdiction that issued the applicant's license are substantially similar to or more stringent than the licensing requirements in Missouri for the same occupation or profession.

4. The oversight body shall not waive any examination, educational, or experience requirements for any applicant who is currently under disciplinary action with an oversight body outside the state or who does not hold a valid current license in the other jurisdiction on the date the oversight body receives his or her application under this section.

5. The oversight body shall not waive any examination, educational, or experience requirements for any applicant if it determines that waiving the requirements for the applicant may endanger the public health, safety, or welfare.

6. Nothing in this section shall prohibit the oversight body from denying a license to an applicant under this section for any reason described in any section associated with the occupation or profession for which the applicant seeks a license.

7. This section shall not be construed to waive any requirement for an applicant to pay any fees, post any bonds or surety bonds, or submit proof of insurance associated with the license the applicant seeks.

8. This section shall not apply to business, professional, or occupational licenses issued or required by political subdivisions.

9. The provisions of this section shall not be construed to alter the authority granted by, or any requirements promulgated pursuant to, any interjurisdictional or interstate compacts adopted by Missouri statute or any reciprocity agreements with other states [in effect on August 28, 2018, and whenever possible this section shall be interpreted so as to imply no conflict between it and any compact, or any reciprocity agreements with other states in effect on August 28, 2018] **and should any conflict arise between the provisions of this section and the provisions of any interjurisdictional or interstate compact or reciprocity agreement, the provisions of such compact or agreement shall prevail. Should a conflict arise between the provisions of this section and any federal law or rule, the provisions of the federal law or rule shall prevail.**

10. For the purposes of this section, nonresident military spouses shall be eligible to apply for a license with any board, department, agency, or office of a jurisdiction that issues licenses, including the state board of registration for the healing arts; the state board of nursing; the board of pharmacy; the state committee of psychologists; the Missouri dental board; the Missouri board for architects, professional engineers, professional land surveyors, and professional landscape architects; the state

**board of optometry; and the Missouri veterinary medical board.”; and**

Further amend said bill, Page 235, Section 436.230, Line 9 of said page, by inserting after all of said line the following:

“[324.008. 1. As used in this section, “nonresident military spouse” means a nonresident spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, is domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis.

2. Except as provided in subsection 6 of this section and notwithstanding any other provision of law, any agency of this state or board established under state law for the regulation of occupations and professions in this state shall, with respect to such occupation or profession that it regulates, by rule establish criteria for the issuance of a temporary courtesy license to a nonresident spouse of an active duty member of the military who is transferred to this state in the course of the member’s military duty, so that, on a temporary basis, the nonresident military spouse may lawfully practice his or her occupation or profession in this state.

3. Notwithstanding provisions to the contrary, a nonresident military spouse shall receive a temporary courtesy license under subsection 2 of this section if, at the time of application, the nonresident military spouse:

(1) Holds a current license or certificate in another state, district, or territory of the United States with licensure requirements that the appropriate regulatory board or agency determines are equivalent to those established under Missouri law for that occupation or profession;

(2) Was engaged in the active practice of the occupation or profession for which the nonresident military spouse seeks a temporary license or certificate in a state, district, or territory of the United States for at least two of the five years immediately preceding the date of application under this section;

(3) Has not committed an act in any jurisdiction that would have constituted grounds for the refusal, suspension, or revocation of a license or certificate to practice that occupation or profession under Missouri law at the time the act was committed;

(4) Has not been disciplined by a licensing or credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing or credentialing entity in another jurisdiction;

(5) Authorizes the appropriate board or agency to conduct a criminal background check and pay for any costs associated with such background check;

(6) Pays any fees required by the appropriate board or agency for that occupation or profession; and

(7) Complies with other requirements as provided by the board.

4. Relevant full-time experience in the discharge of official duties in the military service or an agency of the federal government shall be credited in the counting of years of practice under subdivision (2) of subsection 3 of this section.

5. A temporary courtesy license or certificate issued under this section is valid for one hundred eighty days and may be extended at the discretion of the applicable regulatory board or agency for another one hundred eighty days on application of the holder of the temporary courtesy license or certificate.

6. This section shall not apply to the practice of law or the regulation of attorneys.

7. The appropriate board or agency shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.]"; and

Further amend the title and enacting clause accordingly.

Senator Wallingford moved that the above amendment be adopted, which motion prevailed.

Senator Koenig moved that **SS** for **SCS** for **HCS** for **HB 564**, as amended, be adopted, which motion prevailed.

Senator Koenig moved that **SS** for **SCS** for **HCS** for **HB 564**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Schatz referred **SS** for **SCS** for **HCS** for **HB 564**, as amended, to the Committee on Fiscal Oversight.

**HB 563**, introduced by Representative Wiemann, entitled:

An Act to repeal sections 215.030 and 260.035, RSMo, and to enact in lieu thereof two new sections relating to employer eligibility in the Missouri State Employees' Retirement System.

Was taken up by Senator Wallingford.

Senator Romine offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend House Bill No. 563, Page 1, In the Title, Line 2 by inserting after "RSMo," the following: "and section 169.560 as enacted by house bill no. 77, one hundredth general assembly, first regular session,"; and further amend line 3 by striking all of said line and inserting in lieu thereof the following: "relating to public employee retirement systems."; and

Further amend said bill and page, Section A, Line 1, by inserting after "RSMo," the following: "and section 169.560 as enacted by house bill no. 77, one hundredth general assembly, first regular session,"; and further amend line 2, by inserting after all of said line the following:

"169.560. 1. Any person retired and currently receiving a retirement allowance pursuant to sections 169.010 to 169.141, other than for disability, may be employed in any capacity for an employer included in the retirement system created by those sections on either a part-time or temporary-substitute basis not to exceed a total of five hundred fifty hours in any one school year, and through such employment may earn up to fifty percent of the annual compensation payable under the employer's salary schedule for the position

or positions filled by the retiree, given such person's level of experience and education, without a discontinuance of the person's retirement allowance. If the employer does not utilize a salary schedule, or if the position in question is not subject to the employer's salary schedule, a retiree employed in accordance with the provisions of this subsection may earn up to fifty percent of the annual compensation paid to the person or persons who last held such position or positions. If the position or positions did not previously exist, the compensation limit shall be determined in accordance with rules duly adopted by the board of trustees of the retirement system; provided that, it shall not exceed fifty percent of the annual compensation payable for the position by the employer that is most comparable to the position filled by the retiree. In any case where a retiree fills more than one position during the school year, the fifty-percent limit on permitted earning shall be based solely on the annual compensation of the highest paid position occupied by the retiree for at least one-fifth of the total hours worked during the year. Such a person shall not contribute to the retirement system or to the public education employee retirement system established by sections 169.600 to 169.715 because of earnings during such period of employment. If such a person is employed in any capacity by such an employer in excess of the limitations set forth in this subsection, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed. In addition, such person shall contribute to the retirement system if the person satisfies the retirement system's membership eligibility requirements. In addition to the conditions set forth above, this subsection shall apply to any person retired and currently receiving a retirement allowance under sections 169.010 to 169.141, other than for disability, who is employed by a third party or is performing work as an independent contractor, if such person is performing work for an employer included in the retirement system as a temporary or long-term substitute teacher or in any other position that would normally require that person to be duly certificated under the laws governing the certification of teachers in Missouri if such person was employed by the district. The retirement system may require the employer, the third-party employer, the independent contractor, and the retiree subject to this subsection to provide documentation showing compliance with this subsection. If such documentation is not provided, the retirement system may deem the retiree to have exceeded the limitations provided in this subsection.

2. Notwithstanding any other provision of this section, any person retired and currently receiving a retirement allowance in accordance with sections 169.010 to 169.141, other than for disability, may be employed by an employer included in the retirement system created by those sections in a position that does not normally require a person employed in that position to be duly certificated under the laws governing the certification of teachers in Missouri, and through such employment may earn up to sixty percent of the minimum teacher's salary as set forth in section 163.172, without a discontinuance of the person's retirement allowance. Such person shall not contribute to the retirement system or to the public education employee retirement system established by sections 169.600 to 169.715 because of earnings during such period of employment, and such person shall not earn membership service for such employment. The employer's contribution rate shall be paid by the hiring employer into the public education employee retirement system established by sections 169.600 to 169.715. If such a person is employed in any capacity by an employer in excess of the limitations set forth in this subsection, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed. In addition, such person shall become a member of and contribute to any retirement system described in this subsection if the person satisfies the retirement system's membership eligibility requirements. The provisions of this subsection shall not apply to any person retired and currently receiving a retirement allowance in accordance with sections 169.010 to 169.141 employed by a public community college.

**3. Notwithstanding any other provisions of the law to the contrary, for the 2019 calendar year, the amount to be paid by each community college to the board of trustees of the retirement system for funding purposes of the public education employee retirement system of Missouri shall be adjusted as follows:**

**(1) No later than August 30, 2019, the board of trustees of the retirement system shall calculate the amount paid by the college pursuant to this section from August 27, 2018, until the effective date of this act and provide the amount calculated to each college; and**

**(2) The amount to be remitted by each college for the remainder of the 2019 calendar year shall be reduced by the amount stated by the board of trustees of the retirement system.**

**The adjustment made pursuant to this subsection shall not affect any payments by the colleges to the board of trustees of the retirement system after December 31, 2019, nor shall such adjustments affect payments by the board of trustees of the retirement system to any retiree.”; and**

Further amend the title and enacting clause accordingly.

Senator Romine moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Wallingford, **HB 563**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Brown moved that **SB 282**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS for SB 282**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 282

An Act to repeal sections 193.145, 193.265, 194.119, 194.225, 302.171, and 333.011, RSMo, and to enact in lieu thereof seven new sections relating to the disposition of human remains.

Was taken up.

Senator Brown moved that **HCS for SB 282**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Williams—32			

NAYS—Senators—None

Absent—Senator Romine—1

Absent with leave—Senator Wieland—1

Vacancies—None

On motion of Senator Brown, **HCS for SB 282**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Williams—32			

NAYS—Senators—None

Absent—Senator Romine—1

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Nasheed moved that **SCS** for **SB 203**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 203**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 203

An Act to repeal sections 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, 82.1031, 88.770, and 393.320, RSMo, and to enact in lieu thereof seven new sections relating to property regulations in certain cities and counties.

Was taken up.

Senator Nasheed moved that **HCS** for **SCS** for **SB 203**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Williams—30					

NAYS—Senators

Burlison	Eigel—2
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Absent—Senator Romine—1

Absent with leave—Senator Wieland—1

Vacancies—None

On motion of Senator Nasheed, **HCS** for **SCS** for **SB 203**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Williams—31				

NAYS—Senator Burlison—1

Absent—Senator Romine—1

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nasheed, title to the bill was agreed to.

Senator Nasheed moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Luetkemeyer moved that **SS No. 4 for SB 224**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS for SS No. 4 for SB 224**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE NO. 4 FOR  
SENATE BILL NO. 224

An Act to amend supreme court rules 25.03, 56.01, 57.01, 57.03, 57.04, 58.01, 59.01, and 61.01, relating to discovery.

Was taken up.

Senator Luetkemeyer moved that **HCS for SS No. 4 for SB 224**, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Eigel
Emery	Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer
Nasheed	O’Laughlin	Onder	Riddle	Rowden	Sater	Schatz
Wallingford	White—23					

NAYS—Senators

Arthur	Curls	Holsman	May	Rizzo	Schupp	Sifton
Walsh	Williams—9					

Absent—Senator Romine—1

Absent with leave—Senator Wieland—1

Vacancies—None



On motion of Senator Luetkemeyer, **HCS for SS No. 4 for SB 224**, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Eigel
Emery	Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer
Nasheed	O’Laughlin	Onder	Riddle	Rowden	Sater	Schatz
Wallingford	White—23					

## NAYS—Senators

Arthur	Curls	Holsman	May	Rizzo	Schupp	Sifton
Walsh	Williams—9					

Absent—Senator Romine—1

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Luetkemeyer, title to the bill was agreed to.

Senator Luetkemeyer moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Sater moved that **SB 275**, with **HA 1** and **HA 2**, be taken up for 3rd reading and final passage, which motion prevailed.

**HA 1** was taken up.

Senator Sater moved that the above amendment be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Williams—32			

NAYS—Senators—None

Absent—Senator Romine—1

Absent with leave—Senator Wieland—1

Vacancies—None

**HA 2** was taken up.

Senator Sater moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	O’Laughlin	Onder	Riddle	Rizzo	Rowden
Sater	Schatz	Schupp	Sifton	Wallingford	Walsh	White
Williams—29						

NAYS—Senators

Burlison                      Eigel—2

Absent—Senator

Nasheed                      Romine—2

Absent with leave—Senator Wieland—1

Vacancies—None

On motion of Senator Sater, **SB 275**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	O’Laughlin	Onder	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Williams—30					

NAYS—Senators

Burlison                      Eigel—2

Absent—Senator Nasheed—1

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

President Pro Tem Schatz assumed the Chair.

**SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **SS** for **SCS** for **HB 126**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

President Kehoe assumed the Chair.

**CONCURRENT RESOLUTIONS**

Senator Eigel moved that **HCR 18** be taken up for adoption, which motion prevailed.

On motion of Senator Eigel, **HCR 18** was adopted by the following vote:

## YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Koenig
Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Williams—32			

## NAYS—Senators—None

Absent—Senator Hough—1

Absent with leave—Senator Wieland—1

Vacancies—None

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **SB 230**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **SB 230**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **SB 83**, as amended, and has taken up and passed **CCS** for **SCS** for **SB 83**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 202**, as amended, and has taken

up and passed **CCS** for **HCS** for **SB 202**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 36**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 36**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 54**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 54**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HCS** for **SCS** for **SB 147**, as amended, and has taken up and passed **CCS No. 2** for **HCS** for **SCS** for **SB 147**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 297**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS No. 2**, as amended for **SCS** for **HCS** for **HB 604** and has taken up and passed **SS No. 2** for **SCS** for **HCS** for **HB 604**, as amended.

Emergency clause defeated.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS**, as amended for **HB 355** and has taken up and passed **SCS** for **HB 355**, as amended.

On motion of Senator Rowden, the Senate recessed until 5:45 p.m.

## **RECESS**

The time of recess having expired, the Senate was called to order by President Kehoe.

## **CONCURRENT RESOLUTIONS**

Senator Curls moved that **HCR 34** be taken up for adoption, which motion prevailed.

On motion of Senator Curls, **HCR 34** was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wieland—1

Vacancies—None

## RESOLUTIONS

Senator Bernskoetter offered Senate Resolution No. 969, regarding Margaret Thoenen, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 970, regarding the Fiftieth Anniversary of Wonderland Camp, Rocky Mount, which was adopted.

Senator Hough offered Senate Resolution No. 971, regarding Jerry W. Burch, which was adopted.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS**, as amended for **HCS** for **HB 547** and has taken up and passed **SCS** for **HCS** for **HB 547**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS**, as amended for **HCS** for **HB 266** and has taken up and passed **SCS** for **HCS** for **HB 266**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS**, as amended for **SCS** for **HCS** for **HB 959** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 959**, as amended.

On motion of Senator Rowden, the Senate adjourned until 10:00 a.m., Tuesday, May 21, 2019.

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# Journal of the Senate

FIRST REGULAR SESSION

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**SEVENTIETH DAY—TUESDAY, MAY 21, 2019**

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The Senate met pursuant to adjournment.

Senator Bernskoetter in the Chair.

On motion of Senator Bernskoetter, the Senate adjourned until 1:00 p.m., Wednesday, May 29, 2019.

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# Journal of the Senate

FIRST REGULAR SESSION

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**SEVENTY-FIRST DAY—WEDNESDAY, MAY 29, 2019**

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The Senate met pursuant to adjournment.

President Pro Tem Schatz in the Chair.

## **RESOLUTIONS**

On behalf of Senator Curls, Senator Schatz offered Senate Resolution No. 972, regarding former Missouri Senator Yvonne Starks Wilson, which was adopted.

On behalf of Senator Rowden, Senator Schatz offered Senate Resolution No. 973, regarding the Thirtieth Anniversary of Midwest Special Needs Trust, Columbia, which was adopted.

Senator Schatz offered Senate Resolution No. 974, regarding the One Hundred Sixty-fifth Anniversary of First Presbyterian Church, Sullivan, which was adopted.

On behalf of Senator Romine, Senator Schatz offered Senate Resolution No. 975, regarding Patricia Ann Jones, Caledonia, which was adopted.

On behalf of Senator Crawford, Senator Schatz offered Senate Resolution No. 976, regarding the Fiftieth Anniversary of Ozarks Area Community Action Corporation (OACAC) Dallas County Neighborhood Center, Buffalo, which was adopted.

On behalf of Senator Brown, Senator Schatz offered Senate Resolution No. 977, regarding Barbara Beall and Betty Beall, which was adopted.

On behalf of Senator Curls, Senator Schatz offered Senate Resolution No. 978, regarding the Fiftieth Anniversary of the Kansas City Marching Cobras drill team, which was adopted.

On behalf of Senator Rowden, Senator Schatz offered Senate Resolution No. 979, regarding Mark Fiegenbaum, which was adopted.

On behalf of Senator Rowden, Senator Schatz offered Senate Resolution No. 980, regarding Dayna Linneman, which was adopted.

On behalf of Senator Libla, Senator Schatz offered Senate Resolution No. 981, regarding Southeast Missouri Search and Rescue, which was adopted.

### REPORTS OF STANDING COMMITTEES

On behalf of Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator Schatz submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS for SB 1; SS No. 2 for SB 7; SCS for SBs 12 and 123; CCS for SB 17; SS No. 3 for SCS for SB 29; SS for SCS for SB 30; CCS for HCS for SB 36; CCS for HCS for SB 54; HCS for SB 68; CCS for SCS for SB 83; SB 84; HCS for SB 87; SCS for SB 89; SCS for SB 90; SCS for SB 101; CCS for HCS for SB 133; HCS for SB 134; SB 138; CCS No. 2 for HCS for SCS for SB 147; HCS for SCS for SB 167; SCS for SB 174; SB 179; SCS for SB 180; CCS for HCS for SB 182; SB 185; HCS for SB 196; SS for SCS for SB 197; CCS for HCS for SB 202; HCS for SCS for SB 203; HCS for SS for SB 210; SS for SB 213; HCS for SS No. 4 for SB 224; CCS for SS for SCS for SB 230; SB 275; HCS for SB 282; SS for SCS for SB 291; SB 297; SS for SB 306; SB 333; CCS for SB 368; SB 397; SS for SB 414; SB 514; and SS for SCS for SJRs14 and 9**, begs leave to report that it has examined the same and finds that the bills and joint resolution have been duly enrolled and that the printed copies furnished the Senators are correct.

### SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS for SB 1; SS No. 2 for SB 7; SCS for SBs 12 and 123; CCS for SB 17; SS No. 3 for SCS for SB 29; SS for SCS for SB 30; CCS for HCS for SB 36; CCS for HCS for SB 54; HCS for SB 68; CCS for SCS for SB 83; SB 84; HCS for SB 87; SCS for SB 89; SCS for SB 90; SCS for SB 101; CCS for HCS for SB 133; HCS for SB 134; SB 138; CCS No. 2 for HCS for SCS for SB 147; HCS for SCS for SB 167; SCS for SB 174; SB 179; SCS for SB 180; CCS for HCS for SB 182; SB 185; HCS for SB 196; SS for SCS for SB 197; CCS for HCS for SB 202; HCS for SCS for SB 203; HCS for SS for SB 210; SS for SB 213; HCS for SS No. 4 for SB 224; CCS for SS for SCS for SB 230; SB 275; HCS for SB 282; SS for SCS for SB 291; SB 297; SS for SB 306; SB 333; CCS for SB 368; SB 397; SS for SB 414; SB 514; and SS for SCS for SJRs14 and 9**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills and joint resolution would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills and joint resolution were so read by the Secretary and signed by the President Pro Tem.

Also,

The President Pro Tem announced that all other business would be suspended and **HB 182; HCS for HBs 812 and 832; HB 898; HB 612; HCS for HB 1; SCS for HB 926; HB 655; SS for HCS for HB 694; SCS for HB 260; SS for HB 821; HB 831; CCS for SCS for HCS for HB 2; CCS No. 2 for SCS for HCS for HB 3; CCS for SCS for HCS for HB 4; CCS for SCS for HCS for HB 5; CCS for SCS for HCS for HB 6; CCS for SS for SCS for HCS for HB 7; CCS for SCS for HCS for HB 8; CCS for SCS for HCS for HB 9; CCS for SS for SCS for HCS for HB 10; CCS for SCS for HCS for HB 11; CCS for SCS for HCS for HB 12; SCS for HCS for HB 13; HCS for HB 17; HCS for HB 18; HCS for HB 19; SS for HB 138; SS for SCS for HCS for HB 192; SS for SCS for HCS for HB 220; SS for HCS for HB 677; CCS for SS for SCS for HCS for HB 397; SCS for HCS for HB 447; SS for SCS for HB 565; SCS for HCS for HBs 243 and 544; SCS for HCS for HB 266; SCS for HB 355; CCS for SS for SCS for HCS for HB 399; CCS for SS for HCS No. 2 for HB 499; SCS for HCS for HB 547; SS No. 2 for SCS for HCS for HB 604; SS for SCS for HCS for HB 959; and SS for HCS for HB 1088**, having passed both branches of the General



Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

### **SIGNING OF CONCURRENT RESOLUTIONS**

The President Pro Tem announced that all other business would be suspended and **SCR 2; SCR 4; and SS No. 2 for SCR 14**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, be signed to the end that they shall have the full force and effect of law. No objections being made, the concurrent resolutions were so read by the Secretary and signed by the President Pro Tem.

### **BILLS DELIVERED TO THE GOVERNOR**

**SCS for SB 1; SS No. 2 for SB 7; SCS for SBs 12 and 123; CCS for SB 17; SS No. 3 for SCS for SB 29; SS for SCS for SB 30; CCS for HCS for SB 36; CCS for HCS for SB 54; HCS for SB 68; CCS for SCS for SB 83; SB 84; HCS for SB 87; SCS for SB 89; SCS for SB 90; SCS for SB 101; CCS for HCS for SB 133; HCS for SB 134; SB 138; CCS No. 2 for HCS for SCS for SB 147; HCS for SCS for SB 167; SCS for SB 174; SB 179; SCS for SB 180; CCS for HCS for SB 182; SB 185; HCS for SB 196; SS for SCS for SB 197; CCS for HCS for SB 202; HCS for SCS for SB 203; HCS for SS for SB 210; SS for SB 213; HCS for SS No. 4 for SB 224; CCS for SS for SCS for SB 230; SB 275; HCS for SB 282; SS for SCS for SB 291; SB 297; SS for SB 306; SB 333; CCS for SB 368; SB 397; SS for SB 414; SB 514; and SS for SCS for SJRs 14 and 9**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

### **CONCURRENT RESOLUTIONS DELIVERED TO THE GOVERNOR**

**SCR 2; SCR 4 and SS No. 2 for SCR 14**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

### **JOINT RESOLUTIONS DELIVERED TO THE SECRETARY OF STATE**

**SS for SCS for SJRs 14 and 9**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Secretary of State by the Secretary of the Senate.

### **MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor, reading of which was waived:

GOVERNOR  
STATE OF MISSOURI  
May 24, 2019

TO THE SECRETARY OF THE SENATE  
100th GENERAL ASSEMBLY  
FIRST REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you Senate Bill No. 21 entitled:

#### **AN ACT**

To repeal sections 94.510, 94.900, and 94.902, RSMo, and to enact in lieu thereof three new sections relating to local sales taxes, with an emergency clause for a certain section.

On May 24, 2019, I approved Senate Bill No. 21.

Respectfully Submitted,  
Michael L. Parson  
Governor

## COMMUNICATIONS

President Pro Tem Schatz submitted the following:

May 29, 2019

Adriane Crouse, Secretary of the Senate  
Missouri State Capitol Building, Room 325  
Jefferson City, MO 65101

Pursuant to Senate Rule 31, I hereby establish the following interim committees:

### **MODOT and Patrol Employee's Retirement System Study Committee**

This committee shall study and make recommendations regarding the MODOT and Patrol Employee's Retirement System.

Sen. Burlison, Chair

Sen. Onder, Vice Chair

Sen. Bernskoetter

Sen. Arthur

Sen. Walsh

This committee may solicit from agencies and individuals all information necessary to fulfill its obligations.

This committee shall be staffed by Senate Research and Senate Appropriations and may hold public hearings at locations to be determined by the chair.

Reasonable, actual, and necessary expenses of this committee shall be reimbursed by the Missouri Senate.

The Committee shall issue a report as to their findings and recommendations, as approved by a majority of the members of the committee, to the president pro tempore of the Missouri Senate no later than December 31, 2019, at which point the committee shall be dissolved.

### **Prescription Drug Transparency – Holsman**

This committee shall study and make recommendations regarding the transparency of prescription drug costs.

Sen. Holsman, Chair

Sen. Sater, Vice Chair

Sen. Wieland

Sen. White

Sen. Schupp

This committee may solicit from agencies and individuals all information necessary to fulfill its obligations.

This committee shall be staffed by Senate Research and Senate Appropriations and may hold public hearings at locations to be determined by the chair.

Reasonable, actual, and necessary expenses of this committee shall be reimbursed by the Missouri Senate.

The Committee shall issue a report as to their findings and recommendations, as approved by a majority of the members of the committee, to the president pro tempore of the Missouri Senate no later than December 31, 2019, at which point the committee shall be dissolved.

### **Interim Committee on Tax Credit Efficiency and Reform**

This committee shall study and make recommendations regarding tax credits issued by the state of Missouri.

Sen. O'Laughlin, Chair

Sen. Koenig

Sen. Eigel

Sen. Hoskins

Sen. Hegeman

Sen. Cierpiot

Sen. Williams

Sen. Rizzo

This committee may solicit from agencies and individuals all information necessary to fulfill its obligations.

This committee shall be staffed by Senate Research and Senate Appropriations and may hold public hearings at locations to be determined by the chair.

Reasonable, actual, and necessary expenses of this committee shall be reimbursed by the Missouri Senate.

The Committee shall issue a report as to their findings and recommendations, as approved by a majority of the members of the committee, to the president pro tempore of the Missouri Senate no later than December 31, 2019, at which point the committee shall be dissolved.

Sincerely,



Senator Dave Schatz

President Pro Tempore

Missouri State Senate

On motion of Senator Schatz, the Senate adjourned pursuant to the Constitution.

MIKE KEHOE  
Lieutenant Governor

ADRIANE D. CROUSE  
Secretary of the Senate

✓

**JOURNAL OF THE SENATE**  
**ONE HUNDREDTH GENERAL ASSEMBLY**  
**OF THE**  
**STATE OF MISSOURI**  
**FIRST EXTRA SESSION**  
**OF THE**  
**FIRST REGULAR SESSION**

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**FIRST DAY—MONDAY, SEPTEMBER 9, 2019**

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The Senate was called to order in Extra Session by Senator Hough.

Reverend Carl Gauck offered the following prayer:

“Let the days speak, and many years teach wisdom. But it is the spirit in a man, the breath of the Almighty, that makes him understand.”  
(Job 32:7-8)

Gracious God, we gather today to begin the process called forth by our Governor during this special session. We are called to consider a special need, so our work begins. Bless and guide our discussions and actions and make the decisions that will be most wise and helpful so our work may yet be completed and advance what our people need in fairness and equity. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

**COMMUNICATIONS FROM THE  
GOVERNOR**

The President laid before the Senate the following proclamation from the Governor, reading of which was waived:

**PROCLAMATION**

WHEREAS, on June 25, 2019, the Missouri Supreme Court ruled in the case of *Kehlenbrink v. Director of Revenue* (SC 97287), which held that Section 144.025, RSMo, permits the sale proceeds of only one vehicle as a credit against the purchase price of a new vehicle for the purposes of calculating sales tax; and

WHEREAS, the Department of Revenue has historically allowed for the sale of more than one vehicle to be used as credit against the sales tax owed on the purchase of another vehicle; and

WHEREAS, given the Missouri Supreme Court’s interpretation of the statute, the Department of Revenue will be limited to only allowing the sale of one vehicle to be used as a credit against sales tax owed; and

WHEREAS, we believe that if a taxpayer purchases a motor vehicle and sells one or more motor vehicles within 180 days, the taxpayer should only owe sales tax on the difference between the purchase price and the sale price of the respective motor vehicles; and

WHEREAS, this is in line with the Department of Revenue’s prior practice and what consumers have come to expect; and

WHEREAS, after the *Kehlenbrink* decision, a statutory change is necessary in order to effectuate this policy.

NOW THEREFORE, on the extraordinary occasion that exists in the State of Missouri:

I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do, by this Proclamation, convene the One Hundredth General Assembly of the State of Missouri in the First Extra Session of the First Regular Session; and

I HEREBY call upon the Senators and Representatives of said General Assembly to meet in the State Capitol in the City of Jefferson at the hour of 12:00 p.m. on Monday, September 9, 2019; and

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specifically designated and limited hereinafter as follows:

1. To enact legislation amending Section 144.025, RSMo for the sole purpose of allowing the sale of more than one motor vehicle, trailer, boat, or outboard motor to be used as credit against the sales tax owed on the purchase of another motor vehicle, trailer, boat, or outboard motor.
2. To allow the Senate to consider appointments to boards, commissions, departments, and divisions that require the advice and consent of the Senate.
3. Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have been convened.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 21st day of August, 2019.

/s/ Michael L. Parson  
Governor

SEAL

ATTEST

/s/ Jay Ashcroft  
Secretary of State

The following Senators were present during the day's proceedings:

Present—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Eigel	Emery
Holsman	Hough	Koenig	Libla	Luetkemeyer	May	O'Laughlin
Onder	Riddle	Rizzo	Romine	Rowden	Schatz	Sifton
Wallingford	Walsh	White—24				

Absent—Senators—None

Absent with leave—Senators

Arthur	Bernskoetter	Burlison	Hegeman	Hoskins	Nasheed	Sater
Schupp	Wieland	Williams—10				

Vacancies—None

Senator Rowden announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The Senate observed a moment of silence in memory of Judith Giannini.

## RESOLUTIONS

Senator Rowden offered the following resolution, which was read and adopted:

### SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate of the One Hundredth General Assembly, First Regular Session, that the Secretary of Senate inform the House of Representatives that the Senate is duly convened in the First Extraordinary Session of the First Regular Session of the One Hundredth General Assembly and is ready for consideration of its business.

Senator Rowden offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate of the One Hundredth General Assembly of the State of Missouri, First Regular Session, that the rules adopted by the One Hundredth General Assembly, First Regular Session, as amended, insofar as they are applicable, be adopted as the temporary rules for the control of the deliberations of the First Extraordinary Session of the Senate of the One Hundredth General Assembly, First Regular Session, until permanent rules are adopted.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR  
STATE OF MISSOURI  
September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2019, while the Senate was not in session.

Dr. Matthew D. Brandt, Independent, 1724 South Raford Drive, Springfield, Greene County, Missouri 65809, as a member of the State Board of Health and Senior Services, for a term ending October 13, 2020, and until his successor is duly appointed and qualified; vice, Joseph M. Forand, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2019, while the Senate was not in session.

Sarah Burkemper, Democrat, 85 Hill Creek Road, Troy, Lincoln County, Missouri 63379, as a member of the Truman State University Board of Governors, for a term ending January 1, 2023, and until her successor is duly appointed and qualified; vice, Sarah Burkemper, reappointed.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2019, while the Senate was not in session.

Henry R. Carner, Democrat, 3731 South Milton Drive, Independence, Jackson County, Missouri 64055, as a member of the Jackson County Board of Election Commissioners, for a term ending April 2, 2022, and until his successor is duly appointed and qualified; vice, Mary Ellen Miller, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 31, 2019 and effective August 2, 2019, while the Senate was not in session.

Levon E. Cumpton, 1301 Evergreen Lane, Jefferson City, Cole County, Missouri 65101, as Adjutant General of the Missouri National Guard, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 16, 2019, while the Senate was not in session.

Larry H. Ferrell, Republican, 635 Francis Drive, Cape Girardeau, Cape Girardeau County, Missouri 63755, as a member of the Public Defender Commission, for a term ending August 25, 2022, and until his successor is duly appointed and qualified; vice, James J. Sievers, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2019, while the Senate was not in session.

Mark Fohey, Democrat, 8760 County Road 422, Hannibal, Marion County, Missouri 63401, as a member of the Air Conservation Commission, for a term ending October 13, 2020, and until his successor is duly appointed and qualified; vice, David Zimmerman, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 16, 2019, while the Senate was not in session.

Gary B. Fuhr, Republican, 4088 Amberleigh Parkway, Imperial, Jefferson County, Missouri 63052, as a member of the Public Defender Commission, for a term ending August 25, 2022 and until his successor is duly appointed and qualified; vice, Thomas W.

Neer, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI

September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2019, while the Senate was not in session.

Nancy A. Gibler, Republican, 1813 Sherrick Court, Jefferson City, Cole County, Missouri 65109, as a member of the State Environmental Improvement and Energy Resources Authority, for a term ending January 22, 2022, and until her successor is duly appointed and qualified; vice, Stephen Mahfood, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI

September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2019, while the Senate was not in session.

Nancy Gingrich, Republican, 4118 Highway 151, Clarence, Shelby County, Missouri 63437, as a member of the Truman State University Board of Governors, for a term ending January 1, 2025, and until her successor is duly appointed and qualified; vice, Michael J. Labeth, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI

September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2019, while the Senate was not in session.

Aimee Gromowsky, Democrat, 2306 Red Bridge Terrace, Kansas City, Jackson County, Missouri 64131, as a member of the Kansas City Board of Election Commissioners, for a term ending January 10, 2021, and until her successor is duly appointed and qualified; vice, Quentin L. Jennings, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,



GOVERNOR  
STATE OF MISSOURI  
September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 14, 2019, while the Senate was not in session.

Garrick Hamilton, Republican, 418 Avalon Chase Drive, Saint Louis, Saint Louis County, Missouri 63026, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2021, and until his successor is duly appointed and qualified; vice, John P. Scariot, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 16, 2019, while the Senate was not in session.

Harold E. "Hal" James, Republican, 3605 Barberry Avenue, Columbia, Boone County, Missouri 65202, as a member of the Credit Union Commission, for a term ending January 1, 2023 and until his successor is duly appointed and qualified; vice, Richard Orr, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 18, 2019, while the Senate was not in session.

Kevin T. Kamp, Independent, 3552 Hempstead Street, Saint Charles, Saint Charles County, Missouri 63301, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2023, and until his successor is duly appointed and qualified; vice, Andrew J. Bracker, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2019, while the Senate was not in session.

Bruce E. Kerr, Democrat, 3009 Eagle Ridge Drive, Platte City, Platte County, Missouri 64079, as a member of the Platte County

Election Board, for a term ending January 11, 2021, and until his successor is duly appointed and qualified; vice, Diane M. Pepper, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI

September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2019, while the Senate was not in session.

Kaylyn L. Lambert, 847 East Beechwood Road, Nixa, Christian County, Missouri 65714, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2019, and until her successor is duly appointed and qualified; vice, Timothy D. McBride, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI

September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 14, 2019, while the Senate was not in session.

Michael A. Leara, Republican, 10022 Gregory Court, Saint Louis, Saint Louis County, Missouri 63128, as a member of the Missouri Gaming Commission, for a term ending April 29, 2021, and until his successor is duly appointed and qualified; vice, Richard F. Lombardo, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI

September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2019, while the Senate was not in session.

Sally Miller, Republican, 835 West 55th Street, Kansas City, Jackson County, Missouri 64113, as a member of the Kansas City Board of Election Commissioners, for a term ending January 10, 2021, and until her successor is duly appointed and qualified; vice, M. Blake Heath, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2019, while the Senate was not in session.

Douglas E. Mitchell, 500 Northwest 301 Road, Warrensburg, Johnson County, Missouri 64093, as a member of the Board of Private Investigator and Private Fire Investigator Examiners, for a term ending March 4, 2021, and until his successor is duly appointed and qualified; vice, James. P. Heatherly, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2019, while the Senate was not in session.

Mary Fontana Nichols, Democrat, 11610 Mack Avenue, Maryland Heights, Saint Louis County, Missouri 63043, as a member of the State Environmental Improvement and Energy Resources Authority, for a term ending January 1, 2020, and until her successor is duly appointed and qualified; vice, Ryan P. Doyle, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2019, while the Senate was not in session.

Sarah Oerther, 200 Lovers Lane, Rolla, Phelps County, Missouri 65401, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2019, and until her successor is duly appointed and qualified; vice, Margaret Benz, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2019, while the Senate was not in session.

Dr. Nick Pfannenstiel, 5511 North Farm Road 117, Willard, Greene County, Missouri 65781, as a member of the MO HealthNet

Oversight Committee, for a term ending October 30, 2019, and until his successor is duly appointed and qualified; vice, Kecia Leary, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI

September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 16, 2019, while the Senate was not in session.

Steve Pierson, Republican, 3133 East Impala Court, Springfield, Greene County, Missouri 65804, as a member of the Credit Union Commission, for a term ending January 1, 2025 and until his successor is duly appointed and qualified; vice, Cathy E. Stroud, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI

September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2019, while the Senate was not in session.

Nicholas John Ragone, Republican, 12116 Carberry Place, Saint Louis, Saint Louis County, Missouri 63131, as a member of the State Board of Health and Senior Services, for a term ending October 13, 2022, and until his successor is duly appointed and qualified; vice, RSMO 191.400.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI

September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2019, while the Senate was not in session.

Dr. Naveed Razzaque, Republican, 20 Clayton Terrace, Frontenac, Saint Louis County, Missouri 63131, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2022, and until his successor is duly appointed and qualified; vice, David Poggemeier, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 18, 2019, while the Senate was not in session.

Richard H. Rocha, Republican, 405 West 68th Terrace, Kansas City, Jackson County, Missouri 64113, as a member of the Air Conservation Commission, for a term ending October 13, 2022, and until his successor is duly appointed and qualified; vice, Mark S. Garnett, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2019, while the Senate was not in session.

Dr. Marc K. Taormina, Republican, 4741 Northwest Canyon Road, Lee's Summit, Jackson County, Missouri 64064, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2022, and until his successor is duly appointed and qualified; vice, Jeffrey Carter, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2019, while the Senate was not in session.

Dr. Susan L. Thomas, 706 South Halliburton Avenue, Kirksville, Adair County, Missouri 63501, as a member of the Midwestern Higher Education Commission, for a term ending January 1, 2021, and until her successor is duly appointed and qualified; vice, Charles Monroe Ambrose, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 12, 2019, while the Senate was not in session.

Mel Tjeerdsma, Republican, 1103 Brookmount Drive, Maryville, Nodaway County, Missouri 64468, as a member of the Northwest

Missouri State University Board of Regents, for a term ending January 1, 2025, and until his successor is duly appointed and qualified; vice, Patrick B. Harr, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI

September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 24, 2019, while the Senate was not in session.

Mark C. Tolbert, 7900 East 83rd Street, Kansas City, Jackson County, Missouri 64138, as a member of the Kansas City Board of Police Commissioners, for a term ending March 7, 2022, and until his successor is duly appointed and qualified; vice, Mark C. Tolbert, reappointed.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI

September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2019, while the Senate was not in session.

Jeff Ussery, Republican, 843 East Elizabeth Street, Republic, Greene County, Missouri 65738, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2020, and until his successor is duly appointed and qualified; vice, David L. Edwards, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI

September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 12, 2019, while the Senate was not in session.

Robin R. Wencker, Independent, 1404 Torrey Pines Drive, Columbia, Boone County, Missouri 65203, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2020, and until her successor is duly appointed and qualified; vice, Dalton Wright, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2019, while the Senate was not in session.

Traci D. Wiley, Republican, 4570 State Route 14, Pomona, Howell County, Missouri 65789, as a member of the Missouri Fire Safety Education/Advisory Commission, for a term ending April 26, 2023, and until her successor is duly appointed and qualified; vice, RSMO 320.094.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 12, 2019, while the Senate was not in session.

Michael A. Williams, Democrat, 106 West 14th Street, Apartment 2902, Kansas City, Jackson County, Missouri 64105, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2025, and until his successor is duly appointed and qualified; vice, John R. Phillips, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2019, while the Senate was not in session.

Dwight E. Wyatt, 560 Magoffin Road, Oakville, Saint Louis County, Missouri 63129, as a member of the Missouri Advisory Council on Historic Preservation, for a term ending June 2, 2021, and until his successor is duly appointed and qualified; vice, RSMO 253.408.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 9, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2019, while the Senate was not in session.

Brian Zaitz, Independent, 278 Alexandria Drive, Saint Charles, Saint Charles County, Missouri 63304, as a member of the Missouri

Fire Safety Education/Advisory Commission, for a term ending April 26, 2022, and until his successor is duly appointed and qualified; vice, Lawrence G. Young, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

President Pro Tem Schatz referred the above appointments to the Committee on Gubernatorial Appointments.

### **INTRODUCTION OF BILLS**

The following Bill was read the 1st time and ordered printed:

**SB 1**—By Wallingford.

An Act to repeal section 144.025, RSMo, and to enact in lieu thereof one new section relating to sales tax allowances.

### **RESOLUTIONS**

Senator Crawford offered Senate Resolution No. 3, regarding Skyline Elementary School, Urbana, which was adopted.

Senator Romine offered Senate Resolution No. 4, regarding The Honorable Randall L. Head, Arcadia, which was adopted.

On behalf of Senator Bernskoetter, Senator Rowden offered Senate Resolution No. 5, regarding George Hagedorn, which was adopted.

Senator Riddle offered Senate Resolution No. 6, regarding Robert W. Gruber, Fulton, which was adopted.

On motion of Senator Rowden, the Senate adjourned under the rules.

### **SENATE CALENDAR**

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**SECOND DAY—TUESDAY, SEPTEMBER 10, 2019**

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### **FORMAL CALENDAR**

### **SECOND READING OF SENATE BILLS**

SB 1-Wallingford

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# Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

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**SECOND DAY—TUESDAY, SEPTEMBER 10, 2019**

---

The Senate met pursuant to adjournment.

Senator Crawford in the Chair.

Reverend Gauck offered the following prayer:

“You, who seek God, let your hearts revive.” (Psalm 69:32)

Gracious God, we gather once again to the work that is required of us. We ask that You guide our discussions and inquiries with one another to bring clarity and lead us to make good decisions. And we pray that we will do all that is necessary so the work before us in good order. And Lord, help us be mindful of our responsibilities to others. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Sifton	Wallingford	Walsh	White
Wieland	Williams—30					

Absent—Senators—None

Absent with leave—Senators

Burlison	Nasheed	Schatz	Schupp—4
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Vacancies—None

## RESOLUTIONS

Senator Libla offered Senate Resolution No. 7, regarding the Fiftieth Wedding Anniversary of Harold

and Pamela McDaniel, Deering, which was adopted.

Senator Hoskins offered Senate Resolution No. 8, regarding Dianne Hedrick, Warrensburg, which was adopted.

Senator Bernskoetter offered the following resolutions:

SENATE RESOLUTION NO. 9

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate Chamber for the purpose of their regular session from 8:00 a.m. to 5:00 p.m., Wednesday, October 23, 2019 and 8:00 am to 12:00 pm, Thursday, October 24, 2019.

Senator Bernskoetter requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 9** up for adoption, which request was granted.

On motion of Senator Bernskoetter, **SR 9** was adopted.

Senator Onder offered Senate Resolution No. 10, regarding the One Hundredth Birthday of Catherine Siegfried, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 11, regarding the 125th Anniversary of Meierhoffer Funeral Home & Crematory, St. Joseph, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 12, regarding Metropolitan Community College-Maple Woods, St. Joseph, which was adopted.

On motion of Senator Rowden, the Senate adjourned until 2:00 p.m., Wednesday, September 11, 2019.

SENATE CALENDAR

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SECOND DAY—WEDNESDAY, SEPTEMBER 11, 2019

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Wallingford

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# Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

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**THIRD DAY—WEDNESDAY, SEPTEMBER 11, 2019**

---

The Senate met pursuant to adjournment.

President Kehoe the Chair.

Reverend Gauck offered the following prayer:

“The eyes of the Lord range throughout the entire earth, to strengthen those whose heart is true to him.” (2 Chronicles 16:9)

Almighty God, we praise You for giving us the strength we need to say what must be said and do what must be done, while working together through this second session of the day; help us to do our best to serve the citizens of Missouri. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

Absent—Senators—None

Absent with leave—Senators

May Schupp—2

Vacancies—None

The Lieutenant Governor was present

### RESOLUTIONS

On behalf of Senator May, Senator Walsh offered Senate Resolution No. 13, regarding the One Hundredth Birthday of Essie Holly, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 14, regarding the Fiftieth Wedding Anniversary of Wesley F. and Diane M. Blevins, Affton, which was adopted.

Senator White offered Senate Resolution No. 15, regarding the Fiftieth Anniversary of La-Z-Boy Midwest, Neosho, which was adopted.

Senator Hoskins offered Senate Resolution No. 16, regarding Fire Chief Darrell V. Wright, Chillicothe, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 17, regarding the One Hundred Seventy-fifth Anniversary of St. Matthew's Evangelical Lutheran, Riverside, which was adopted.

Senator Walsh offered Senate Resolution No. 18, regarding Aperion Care Hidden Lake, St. Louis, which was adopted.

Senator Walsh offered Senate Resolution No. 19, regarding Cindy Frank, Jefferson City, which was adopted.

Senator Walsh offered Senate Resolution No. 20, regarding Eagle Scout Joseph Ryan Nugen, Florissant, which was adopted.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

#### HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the One Hundredth General Assembly, First Regular Session, inform the Senate that the House duly convened in the First Extraordinary Session of the First Regular Session on Monday, September 9, 2019, and is convened in full session and ready for consideration.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1**, entitled:

An Act to repeal section 144.025, RSMo, and to enact in lieu thereof one new section relating to sales and use tax allowances for certain items.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

**SB 1**—Ways and Means.

## COMMUNICATIONS

Senator Schatz submitted the following:

September 11, 2019

Adriane Crouse

Secretary of the Senate

201 W. Capitol Ave. Rm 325

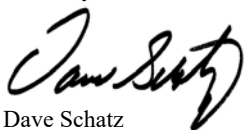
Jefferson City, MO

Dear Mrs. Crouse,

Pursuant to Rule 12, I am making the following changes to committee assignments:

I remove Senator Bill Eigel and Senator Lincoln Hough from the committee on Ways and Means and appoint Senator Eric Burlison and Senator Mike Bernskoetter.

Sincerely,



Dave Schatz

President Pro Tem

## INTRODUCTIONS OF GUESTS

Senator Hoskins introduced to the Senate, representatives of Johnson County CLIMB, Warrensburg.

Senator Nasheed introduced to the Senate, Kendell Martinez.

On motion of Senator Rowden, the Senate adjourned under the rules.

## SENATE CALENDAR

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FOURTH DAY—THURSDAY, SEPTEMBER 12, 2019

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## FORMAL CALENDAR

## HOUSE BILLS ON SECOND READING

HB 1-Ruth

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# Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

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**FOURTH DAY—THURSDAY, SEPTEMBER 12, 2019**

---

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Gauck offered the following prayer:

“This is the day the Lord has made; let us rejoice and be glad in it.” (Psalm 118:24)

Heavenly Father, we are truly glad and see ourselves blessed that these days are so wonderful after summer of so much rain but understand how it has helped with a bountiful harvest just beginning. We rejoice that the beauty of each day doesn’t escape our notice and we embrace this time of year for the work we can accomplish and yet be refreshed in it. As we spend time in this chamber, let us still be aware of Your creation and do all we can so others less fortunate may also have reason to rejoice. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Rowden announced photographers from Jefferson City New Tribune were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Emery	Hegeman	Holsman	Koenig	Libla	Luetkemeyer
Nasheed	O’Laughlin	Onder	Riddle	Rizzo	Romine	Rowden
Sater	Schatz	Sifton	Wallingford	Walsh	White	Wieland

Williams—29

Absent—Senators—None

Absent with leave—Senators

Eigel	Hoskins	Hough	May	Schupp—5
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Vacancies—None

The Lieutenant Governor was present.

Senator Rowden requested unanimous consent of the Senate to allow the State Fire Marshal to enter the Chamber with side arms, which request was granted.

### **HOUSE BILLS ON SECOND READING**

The following Bill was read the 2nd time and referred to the Committee indicated:

**HB 1**—Ways and Means.

On motion of Senator Rowden, the Senate recessed until 12:30 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Kehoe.

President Pro Tem Schatz assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Koenig, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Kehoe assumed the Chair.

### **REFERRALS**

President Pro Tem Schatz referred **HB 1** to the Committee on Fiscal Oversight.

### **RESOLUTIONS**

Senator Williams offered Senate Resolution No. 21, regarding the one hundred and eighth National Day of the Republic of China in Taiwan, which was adopted.

Senator Cierpiot offered Senate Resolution No. 22, regarding Eagle Scout Kendall Scott Schrader, Grain Valley, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Holsman introduced to the Senate, Michael Williams, Sally Miller, Richard Rocha and Aimee Gromowski, Kansas City.

Senator Brown introduced to the Senate, Sarah, Dan, Barney and Emma Oerther, Rolla.

Senator Luetkemeyer introduced to the Senate, Bruce Kerr, Platte City.

Senator Cunningham introduced to the Senate, Traci Wiley, West Plains.

Senator Burlison introduced to the Senate, Dr. Nick Pfannenstiel, Willard; and Jeff Ussery and his wife, Cathy, Republic.

Senator Hegeman introduced to the Senate, Melvin Tjeerdsma, Maryville.

Senator Burlison introduced to the Senate, Dr. Matthew Brandt, and his wife, Manda, Springfield; and Kaylyn Lambert, Nixa.

On motion of Senator Wallingford, the Senate adjourned until 9:00 a.m., Friday, September 13, 2019.

SENATE CALENDAR

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FIFTH DAY—FRIDAY, SEPTEMBER 13, 2019

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FORMAL CALENDAR

HOUSE BILLS ON THIRD READING

HB 1-Ruth (Wallingford) (In Fiscal Oversight)

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# Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

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**FIFTH DAY—FRIDAY, SEPTEMBER 13, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Gauck offered the following prayer:

“You, who seek God, let your hearts revive.” (Psalm 69:32)

Gracious God, we gather one last time to complete the work required of us. We ask that You assist us to make good decisions. And we pray that we will do all that is necessary to finish the work before us in good order. And Lord, watch our travel and keep us mindful of our responsibilities to others that we share the road. Bring us safely home, to use our time away for health, recreation and intimacy with our loved ones and with You, our God. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Rowden announced photographers from KRCG-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Riddle
Rizzo	Rowden	Sater	Schatz	Wallingford	White	Wieland

Williams—29

Absent—Senators—None

Absent with leave—Senators

Onder	Romine	Schupp	Sifton	Walsh—5
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Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

On behalf of the entire membership and himself, Senator Bernskoetter offered Senate Resolution No. 23, regarding Beverly “Bev” Cain, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 24, regarding Tutera Senior Living and Health Care, which was adopted.

On behalf of Senator Walsh, Senator Rowden offered Senate Resolution No. 25, regarding Danyea Crittenden, St. Louis, which was adopted.

On behalf of Senator Walsh, Senator Rowden offered Senate Resolution No. 26, regarding Lynda Mueller-Drendel, St. Louis, which was adopted.

On behalf of Senator Walsh, Senator Rowden offered Senate Resolution No. 27, regarding Kim Sachse, St. Charles, which was adopted.

## REPORTS OF STANDING COMMITTEES

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Fiscal Oversight, to which was referred **HB 1**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schatz, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Dr. Matthew D. Brandt, Independent and Nicholas John Ragone, Republican, as members of the State Board of Health and Senior Services;

Also,

Sarah Burkemper, Democrat and Nancy Gingrich, Republican, as members of the Truman State University Board of Governors;

Also,

Henry R. Carner, Democrat, as a member of the Jackson County Board of Election Commissioners;

Also,

Levon E. Cumpston, as Adjutant General of the Missouri National Guard;

Also,

Larry H. Ferrell, Republican and Gary B. Fuhr, Republican, as members of the Public Defender Commission;

Also,

Mark Fohey, Democrat and Richard H. Rocha, Republican, as members of the Air Conservation Commission;

Also,

Mary Fontana Nichols, Democrat and Nancy A. Gibler, Republican, as members of the State Environmental Improvement and Energy Resources Authority;

Also,

Aimee Gromowsky, Democrat and Sally Miller, Republican, as members of the Kansas City Board of Election Commissioners;

Also,

Garrick Hamilton, Republican, as a member of the Missouri Housing Development Commission;

Also,

Harold E. “Hal” James, Republican and Steve Pierson, Republican, as members of the Credit Union Commission;

Also,

Kevin T. Kamp, Independent, as a member of the Hazardous Waste Management Commission;

Also,

Bruce E. Kerr, Democrat, as a member of the Platte County Election Board;

Also,

Kaylyn L. Lambert, Sarah Oerther and Dr. Nick Pfannenstiel as members of the MO HealthNet Oversight Committee;

Also,

Michael A. Leara, Republican, as a member of the Missouri Gaming Commission;

Also,

Douglas E. Mitchell, as a member of the Board of Private Investigator and Private Fire Investigator Examiners;

Also,

Dr. Naveed Razzaque, Republican and Dr. Marc K. Taormina, Republican, as members of The State Board of Registration for the Healing Arts;

Also,

Dr. Susan L. Thomas, as a member of the Midwestern Higher Education Commission;

Also,

Mel Tjeerdsma, Republican, as a member of the Northwest Missouri State University Board of Regents;

Also,

Mark C. Tolbert, as a member of the Kansas City Board of Police Commissioners;

Also,

Jeff Ussery, Republican, as a member of the Amusement Ride Safety Board;

Also,

Robin R. Wenneker, Independent, as a member of the Coordinating Board for Higher Education;

Also,

Traci D. Wiley, Republican and Brian Zaitz, Independent, as members of the Missouri Fire Safety Education/Advisory Commission;

Also,

Michael A. Williams, Democrat, as a member of the University of Missouri Board of Curators; and

Dwight E. Wyatt, as a member of the Missouri Advisory Council on Historic Preservation.

Senator Schatz requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Schatz moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

### HOUSE BILLS ON THIRD READING

**HB 1**, introduced by Representative Ruth, entitled:

An Act to repeal section 144.025, RSMo, and to enact in lieu thereof one new section relating to sales and use tax allowances for certain items.

Was taken up by Senator Wallingford.

On motion of Senator Wallingford, **HB 1** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Riddle
Rizzo	Rowden	Sater	Schatz	Wallingford	White	Wieland

Williams—29

#### NAYS—Senators—None

#### Absent—Senators —None

#### Absent with leave—Senators

Onder	Romine	Schupp	Sifton	Walsh—5
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#### Vacancies—None

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

On motion of Senator Rowden, the Senate adjourned until 3:00 p.m., Monday, September 16, 2019.

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# Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

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**SIXTH DAY—MONDAY, SEPTEMBER 16, 2019**

---

The Senate met pursuant to adjournment.

President Pro Tem Schatz in the Chair.

## **RESOLUTIONS**

On behalf of Senator Walsh, Senator Schatz offered Senate Resolution No. 28, regarding Building Union Diversity Program, which was adopted.

On behalf of Senator Walsh, Senator Schatz offered Senate Resolution No. 29, regarding Katie Jimenez, St. Ann, which was adopted.

On behalf of Senator Bernskoetter, Senator Schatz offered Senate Resolution No. 30, regarding Eagle Scout Daniel Kleffner, Bonnots Mill, which was adopted.

On behalf of Senator May, Senator Schatz offered Senate Resolution No. 31, regarding HIV/AIDS Network Development Service (HANDS), which was adopted.

On behalf of Senator Crawford, Senator Schatz offered Senate Resolution No. 32, regarding the Fiftieth Wedding Anniversary of Lonnie Lynn and Jean Ellen Cook, Lebanon, which was adopted.

## **SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **HB 1**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

On motion of Senator Schatz, the Senate of the First Extraordinary Session of the First Regular Session of the 100th General Assembly adjourned sine die, pursuant to the Constitution.

MIKE KEHOE  
Lieutenant Governor

ADRIANE D. CROUSE  
Secretary of Senate

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# Journal of the Senate

## ONE HUNDREDTH GENERAL ASSEMBLY

### OF THE

### STATE OF MISSOURI

### FIRST REGULAR SESSION

### VETO SESSION

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**WEDNESDAY, SEPTEMBER 11, 2019**

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The Senate was called to order in Veto Session by Lieutenant Governor Mike Kehoe.

Reverend Carl Gauck offered the following prayer:

“I give thanks to the Lord with my whole heart; I will tell of all your wonderful deeds.” (Psalm 9:1)

Gracious God, as we have gathered to fulfill our constitutional requirement we are mindful of this day and the tragedy that struck the United States in 2001. We remember the lives lost and the suffering of so many others physically and many more emotionally. We all give thanks for the leadership You provided then and continue even today as you raised up men and women to guide our time here. So we are truly thankful to You to be here this day and we do what is required of us and will rejoice in this time. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

The following Senators were present during the day’s proceedings:

Present—Senators						
Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

Absent—Senators—None

Absent with leave—Senators

May Schupp—2

Vacancies—None

The Lieutenant Governor was present.

Senator Rowden announced photographers from The Missouri Times, Jefferson City News Tribune and KRCG-TV were given permission to take pictures in the Senate Chamber.

The Senate observed a moment of silence in remembrance of the victims of September 11, 2001.

### **RESOLUTIONS**

Senator Rowden offered the following resolution, which was read and adopted:

#### **SENATE RESOLUTION NO. 1**

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Article III, Section 32 of the Constitution and is ready for the consideration of its business.

Senator Rowden offered the following resolution, which was read and adopted:

#### **SENATE RESOLUTION NO. 2**

BE IT RESOLVED by the Senate that the rules of the Senate, as adopted by the One Hundredth General Assembly, First Regular Session, be declared to be the rules of the Veto Session of the One Hundredth General Assembly.

### **COMMUNICATIONS FROM THE GOVERNOR**

The following communications, regarding vetoed Senate Bills were received by the Secretary of State, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

July 12, 2019

TO THE SECRETARY OF STATE  
OF THE STATE OF MISSOURI  
100th GENERAL ASSEMBLY  
FIRST REGULAR SESSION

Herewith I return to you Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147 entitled:

#### **AN ACT**

To repeal sections 32.056, 136.055, 144.070, 300.155, 301.010, 301.020, 301.030, 301.032, 301.067, 301.191, 302.020, 302.170, 302.341, 302.720, 302.768, 304.153, 304.281, and 307.350, RSMo, and to enact in lieu thereof twenty new sections relating to motor vehicles, with penalty provisions and an effective date for certain sections.

I disapprove of Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147. My reasons for disapproval are as follows:

Senate Bill No. 147 contains many provisions of which I approve. However, it also includes a provision that significantly undermines one of the provisions of Senate Bill No. 5, which was enacted in 2015.

Senate Bill No. 5 modified numerous provisions relating to municipal courts, including exempting all minor traffic violations from the driver's license suspension provisions in Section 302.341, RSMo. This bill modifies that section so that only minor traffic violations that occurred in St. Louis City or St. Louis County are exempt from driver's license suspension proceedings. This provision reverses a beneficial component of Senate Bill No. 5.

Furthermore, the provisions in Section 302.341 contained in this bill are likely unconstitutional. The 2017 Missouri Supreme Court case of *City of Normandy v. Greitens*, 518 S.W.3d 183 (Mo. banc 2017) held that a separate provision in Senate Bill No. 5 was unconstitutional because it constituted a special law without substantial justification. The provision at issue in that case lowered the cap on the percentage of revenue that political subdivisions can receive from municipal traffic violations to 20%, except for St. Louis County, which was reduced to a cap of 12.5%. The Missouri Supreme Court held that a separate cap on one county, without evidence of substantial justification, was a special law in violation of Article III, Section 40(30) of the Missouri Constitution. The provision contained in Senate Bill No. 147 that singles out St. Louis City and St. Louis County would also constitute a special law.

Senate Bill No. 147 also contains a provision establishing the "Towing Task Force," which is directed to make recommendations relating to a process for the adjudication of consumer complaints regarding nonconsensual tow charges. The Attorney General's office has a system in place to handle such complaints, which is managed by the Consumer Complaint Division. As I believe adequate protections already exist to



*Wednesday, September 11, 2019*

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address these matters, I cannot support the establishment of a redundant task force.

Respectfully Submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
July 12, 2019

TO THE SECRETARY OF STATE  
OF THE STATE OF MISSOURI  
100th GENERAL ASSEMBLY  
FIRST REGULAR SESSION

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Bill No. 202 entitled:

AN ACT

To amend chapter 256, RSMo, by adding thereto one new section relating to mining royalties on federal land.

I disapprove of Conference Committee Substitute for House Committee Substitute for Senate Bill No. 202. My reasons for disapproval are as follows:

While I agree with the goal of distributing mining royalties to the counties where such royalties accrued, this bill's provisions contradict federal law. Payments the Office of Administration receives from the United States Department of the Interior, Office of Natural Resources Revenue (ONRR), represent 25 percent of the amount of mining revenues collected from companies that extract natural resources from federal land. The distribution of mining revenues received by the state from ONRR is controlled by federal statute, 16 U.S.C. Section 500. That section limits the use of mining revenues to "the benefit of the public schools and public roads of the county or counties in which such national forest is situated." It goes on to specify that when any national forest is located in more than one county, the distributive share to each county from the proceeds of such forest shall be proportional to its area therein.

Senate Bill No. 202 allows counties to expend such mining "royalties", a term that is not defined and is more limited than the broader mining "revenues" collected, for public safety purposes. This conflicts with the above mentioned limitations found in 16 U.S.C. Section 500. Senate Bill No. 202 also requires such mining royalties to be distributed on a proportional basis to each county where such mining royalties accrued. Under 16 U.S.C. Section 500, mining revenues generated from the Mark Twain National Forest are distributed to all counties that have national forest land. Senate Bill No. 202 would limit the distribution of such royalties to only counties where mining occurs, in direct contravention of federal statute.

I understand the plight of these counties and agree that, logically, mining revenues should be distributed to the locations where such mining actually occurred. However, federal law would need to change to achieve this goal. Unfortunately, that cannot be accomplished by a change to state statute.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute for House Committee Substitute for Senate Bill No. 202 without my approval.

Respectfully Submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
July 12, 2019

TO THE SECRETARY OF STATE  
OF THE STATE OF MISSOURI  
100th GENERAL ASSEMBLY  
FIRST REGULAR SESSION

Herewith I return to you House Committee Substitute for Senate Bill No. 282 entitled:

## AN ACT

To repeal sections 36.020, 193.145, 193.265, 194.119, 194.225, 302.171, and 333.011, RSMo, and to enact in lieu thereof eight new sections relating to the disposition of human remains.

I disapprove of House Committee Substitute for Senate Bill No. 282. My reasons for disapproval are as follows:

Sections 333.011 and 333.072 of the bill allow for licensed funeral establishments to perform outdoor cremations. The burial of our loved ones or the disposal of their remains is deeply personal and should be treated with the utmost care and respect. Without more thorough vetting to ensure that outdoor cremations can be conducted in a manner that fully disposes of the entire remains while also addressing the health and safety concerns of individuals who may be impacted nearby, I am not comfortable with allowing these types of ceremonies to be conducted in our state.

In accordance with the above stated reasons for disapproval, I am returning House Committee Substitute for Senate Bill No. 282 without my approval.

Respectfully Submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

July 12, 2019

TO THE SECRETARY OF STATE  
OF THE STATE OF MISSOURI  
100th GENERAL ASSEMBLY  
FIRST REGULAR SESSION

Herewith I return to you Senate Substitute for Senate Bill No. 414 entitled:

## AN ACT

To amend chapter 376, RSMo, by adding thereto two new sections relating to innovations in health insurance.

I disapprove of Senate Substitute for Senate Bill No. 414. My reasons for disapproval are as follows:

While I recognize the leadership shown by the General Assembly in their efforts to identify innovations and improvements to the health insurance market in this state, I cannot approve this bill as presented to me.

Senate Bill No. 414 seeks to identify these innovations and improvements by establishing a Health Insurance Innovation Task Force. This task force would be charged with developing recommendations for an application to be submitted to the Centers for Medicare and Medicaid Services, seeking approval of a Section 1332 innovation waiver under the Patient Protection and Affordable Care Act.

Such a waiver could provide meaningful improvements in access to health care to 1.6 million Missourians. It could also increase the types of health insurance coverage currently available in the 101 counties that have only one insurance company from which to choose. It could positively impact the uninsured rates in our rural counties, 43 of which have uninsured rates exceeding 15%. A waiver would potentially encompass the redirection of approximately \$1 billion annually in premium tax credits and cost-sharing reduction payments. This administration is supportive of such efforts.

However, because of the impact to our state, any recommendations presented to my office and the General Assembly for legislation necessary to qualify for a Section 1332 waiver should be given adequate time to develop and consider. Senate Bill No. 414 places several deadlines on the work of the task force in developing their recommendations for a Section 1332 waiver that would be difficult to meet since an emergency clause was not adopted.

An issue of this importance should be carefully considered, with ample time to fully form recommendations and possible solutions.

In accordance with the above stated reasons for disapproval, I am returning Senate Substitute for Senate Bill No. 414 without my approval.

Respectfully Submitted,  
Michael L. Parson  
Governor

**CCS No. 2 for HCS for SCS for SB 147** was called thereafter and no motion was taken thereon.

**CCS** for **HCS** for **SB 202** was called thereafter and no motion was taken thereon.

**HCS** for **SB 282** was called thereafter and no motion was taken thereon.

**SS** for **SB 414** was called thereafter and no motion was taken thereon.

### **RESOLUTIONS**

Senator Rowden offered the following resolution, which was read and adopted:

#### **SENATE RESOLUTION NO. 3**

BE IT RESOLVED by the Senate that the Secretary of the Senate inform the House of Representatives that the Senate, having been duly convened as provided by Article III, Section 32 of the Constitution, made no motion to override the Governor's veto of **CCS#2** for **HCS** for **SCS** for **SB 147**; **CCS** for **HCS** for **SB 202**; **HCS** for **SB 282**; and **SS** for **SB 414** when the bills were called by the president.

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

#### **HOUSE RESOLUTION NO. 1**

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the One Hundredth General Assembly, First Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2019 Constitutional Veto Session and ready for consideration of business.

### **INTRODUCTIONS OF GUESTS**

Senator Williams introduced to the Senate, Zach Sept, Charles Dent, Jordyn Runke, Britni Fischer and Stephanie Church, St. Louis Community College Student Government Association, Wildwood.

Senator Onder introduced to the Senate, coaches Lindsey Bryant, Brad Henderson and Roger Uphoff; and Lana Adams, Caroline Arslanbas, A. J. Baldwin, Aly Bryant, Peyton Duffing, Addie Henderson, Riley Henderson, Anna Kolkmeier, Calli LaBarbera, Alysse Lamb, Grace Luedde, Anna Rosenberg, Emily Sanabria, Alyssa Schulte, Sicily Trost, Graysen Wheeler and Grace White, Sporting St. Louis Academy Girls Soccer Team, St. Charles County.

Senator Nasheed introduced to the Senate, former State Representative Hope Whitehead, St. Louis City.

Senator White introduced to the Senate, representatives of the American Scandinavian Student Exchange.

On behalf of Senator Crawford and himself, Senator White introduced to the Senate, students from Stockton High School.

On motion of Senator Rowden, the Senate of the Veto Session of the First Regular Session of the 100th General Assembly adjourned sine die, pursuant to the Constitution.

MIKE KEHOE  
Lieutenant Governor

ADRIANE D. CROUSE  
Secretary of Senate

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